

# **EXHIBIT A**

Plaintiff's Opposition to Defendant's Motion for Summary Judgment

1 Q. Okay. And we'll talk about that in a little  
2 bit.

3 Have you ever served in any sort of  
4 military before?

5 A. No.

6 Q. Do you currently suffer from a disability?

7 A. Yes. My injury.

8 Q. Are you referring to your finger?

9 A. Yes, my finger injury.

10 Q. And just so we're clear, that's the finger  
11 injury that occurred in January of 2022?

12 A. Yes.

13 Q. And it's -- you still consider that a  
14 disability?

15 A. I don't get the right -- I don't get the  
16 right grip I get with this that I used to get before. I  
17 have to like work on it.

18 Q. It affects your grip?

19 A. Yes. My grip, and to hold something like when  
20 I'm working at work, when I'm pulling stuff, I pull  
21 more -- I cannot use -- like use it to pull that much,  
22 and when I do, it just start shaking.

23 Q. It starts shaking?

24 A. Yes.

25 Q. Have you ever gone to any sort of therapy for



1 it?

2 A. Yes. I went to -- I went to therapy because at  
3 first I was afraid because I wasn't feeling nothing. I  
4 couldn't -- I couldn't tell it what to do.

5 Q. When did you go to therapy?

6 A. I think in 2022. In the middle of 2022.

7 Q. And just so we're clear, that's physical  
8 therapy?

9 A. Yes. For my fingers.

10 Q. Where was that?

11 A. In Garland.

12 Q. Do you remember the name of the physical  
13 therapist?

14 A. I don't remember the name of the therapist  
15 because it was -- the therapist, I don't remember her  
16 name.

17 Q. Or the organization or where -- what was the  
18 hospital or place that you went to?

19 A. It was -- I don't -- I forgot the name. The  
20 clinic, it's -- it's on Broadway.

21 Q. On Broadway?

22 A. Yes. Broadway in Garland.

23 Q. For how long did you attend physical therapy?

24 A. For a couple of months.

25 Q. Was it once a week? How often did you go?

1           A. It was like -- no. It was -- sometimes it  
2 would be three days a week.

3           Q. For an hour each time or how long?

4           A. For -- it used to be for up to three hours  
5 sometimes.

6           Q. Three days a week up to three hours each time?

7           A. Yes. I think, yes.

8           Q. And this was in mid 2022?

9           A. Yes.

10          Q. For just a few months?

11          A. A couple months, yes.

12          Q. Did it improve your grip?

13          A. It did -- it did improve it a little bit, but  
14 they said I was going to have issues with it. I have to  
15 keep working on my own.

16          Q. Okay. So who released you from physical  
17 therapy? Did you decide not to go anymore?

18          A. They -- they did. They did.

19                   I also saw a specialist, a finger  
20 specialist, that would measure my -- she would -- she  
21 would measure my -- the -- like how far my finger went  
22 down, and -- and she would help -- she helped me do  
23 exercise.

24          Q. Who was the finger specialist?

25          A. I forgot -- I forgot her name, too. But she



1 was in -- she was in Dallas.

2 Q. When did you see this doctor?

3 A. Like in June.

4 Q. Of what year?

5 A. 2022.

6 Q. Do you recall where the -- this clinic was?

7 A. I think it was in -- I know -- I know it was by  
8 a highway. I think it was in Duncanville or Lancaster.  
9 I'm not remembering.

10 Q. How often did you see this finger specialist?

11 A. I only saw her like every two weeks or month.

12 Q. For how long?

13 A. For, I think it was three months.

14 Q. And why only three months?

15 A. Because they wanted to see the rating, I think  
16 that the rating on -- the therapy send me there so she  
17 can check the -- how -- if my finger was improving.

18 Q. The physical therapist sent you to the finger  
19 specialist? Is that --

20 A. Not her but the doctor in charge. The -- at  
21 the clinic I saw a doctor, and then I got the therapy  
22 from a different lady. But the doctor that I was  
23 seeing, she referred me to the finger specialist.

24 Q. For only three months?

25 A. I think it was around three months or four. I

1 don't remember. But it was separate. It was like -- I  
2 will go -- I went one week and then I wait another two  
3 weeks to see and then three weeks.

4 Q. And when in -- you said this was in June of  
5 2022?

6 A. Yes. In between June -- it started like around  
7 June. June something.

8 Q. So June, July, August through September?

9 A. Yes.

10 Q. Did you attend all of your appointments?

11 A. Yes, I did.

12 Q. Did you attend all of your other physical  
13 therapy appointments?

14 A. Yes, I did.

15 Q. And after you saw the finger specialist, did  
16 your finger improve?

17 A. It was -- it was improving. But she said I was  
18 going to have pain during the cold, because that's --  
19 the cold, the winter it bothers me sometimes.

20 Q. So during the wintertime it bothers you?

21 A. Sometimes I get like a pain.

22 Q. And what about in the summer, like right now?

23 A. The summer just not -- I just -- sometimes  
24 the -- it bothers something, but I'm getting used to it,  
25 you know. It just -- while I'm working, you know.



1 Q. Does it prevent you from performing your job  
2 duties?

3 A. I'm able to work, but I have to like make it  
4 work, you know, but I don't get the same -- the same  
5 grip I used to get.

6 Q. But are you able to perform --

7 A. Yes. I'm able to perform my work, yes.

8 Q. Okay. Let me just ask the question so it's  
9 clear.

10 Are you able to perform your job duties as  
11 an assembler?

12 A. Yes.

13 Q. Have you ever seen a psychiatrist or  
14 psychologist or clergy or anything -- or anyone else for  
15 any mental or emotional problem?

16 A. Yes. I'm seeing a psychiatrist.

17 Q. Who is that?

18 A. Julia. I forget her -- I forget her last name.  
19 But I know her name is Julia.

20 Q. And you said she's a psychiatrist or a  
21 psychologist? Does she prescribe medication?

22 A. No. She doesn't prescribe medication. She  
23 just gives me therapy.

24 Q. Okay. How long have you been seeing Julia?

25 A. Since, I think, for a -- two or three months I



1 think.

2 Q. Since early 2024?

3 A. Early -- yes. I think so, yes.

4 Q. What was the reason you saw -- started seeing  
5 Julia?

6 A. For my stress and anxiety and depression.

7 Q. Relating to what?

8 A. Work related.

9 Q. All work related?

10 A. All work related.

11 Q. There is nothing in your personal life that  
12 causes you stress?

13 A. No, ma'am.

14 Q. Before Julia, did you ever see any other  
15 psychologist, psychiatrist?

16 A. Yes. The psychiatrist that referred me to her.

17 Q. Who is that?

18 A. Healing -- Healing Soul -- Healing Souls in  
19 Garland.

20 Q. Sorry. What was the name?

21 A. Healing minds. I think Healing Souls in  
22 Garland.

23 Q. Can you spell that for me?

24 A. Healing, H-E-A-L-I-N-G, Souls, Healing Souls.

25 Q. Oh, Healing Souls.

1 MS. COLE: S-O-U-L-S.

2 Q. (BY MS. ASHTON) Oh, okay. Sorry. That's the  
3 name of the clinic?

4 A. Yes.

5 Q. Okay. Okay.

6 A. Psychiatrist.

7 Q. Okay. So when did you go to -- start seeing  
8 Healing Souls?

9 A. Latest I think in March 2022.

10 Q. And you don't recall who you saw there?

11 A. It's two ladies that -- Eunice. I think her  
12 name is Eunice.

13 Q. Eunice is one of the psychiatrists?

14 A. Yes.

15 Q. How often did you go to Healing Souls?

16 A. I will go like -- I started going twice a week  
17 and then once a week and then I would go like every  
18 three weeks.

19 Q. So it started out twice a week?

20 A. Yes, sir.

21 Q. And then you reduced it to once a week?

22 A. I think -- I'm not -- but I think so, yes.

23 Q. And then it was every three weeks?

24 A. Yes. And then every time it -- if I would get  
25 worse, he would schedule me back to two weeks.

1 Q. Okay. Okay. So you started going to  
2 Healing Souls in March of '22; correct?

3 A. Uh-huh.

4 Q. At that time were you prescribed any  
5 medications?

6 A. Yes, I was.

7 Q. What were you prescribed?

8 A. I think it's -- it's for anxiety. I don't  
9 recall -- I have the generic names. I haven't been -- I  
10 think it's -- one of them starts with T and then with an  
11 H.

12 Q. So you were put on two medications?

13 A. It's -- it's three or four I think.

14 Q. You were put on three or four medications?

15 A. Yes.

16 Q. All relating to what?

17 A. Like -- like anxiety and stress and I couldn't  
18 sleep at night.

19 Q. Okay. And you said today that you're not  
20 on any --

21 A. I'm not on any today.

22 Q. Okay. Let me finish my sentence. Okay.

23 Today you're not taking these three or four  
24 medications; is that correct?

25 A. Yes. Today.



1 Q. When did you stop taking these medications?

2 A. I just stopped I think -- I just stopped I  
3 think two days ago. I didn't take them.

4 Q. Two days ago?

5 A. Three days ago. Yes.

6 Q. You stopped taking these three medications  
7 three days ago?

8 A. I was -- I told the therapist I wanted to see  
9 if the therapy was helping me without the medication.

10 Q. Okay. Typically when you get off of depression  
11 or anxiety medications, they have you do it -- you know,  
12 they stagger the amount.

13 So did you just stop taking them entirely  
14 or are you weaning off of them?

15 A. I was -- I had called the doctor saying that I  
16 had a headache one time. And I was afraid it was from  
17 side effects. He told me to hold on, you know,  
18 and let -- then I talked to the therapist, I asked the  
19 therapist, can it work -- can we work, you know, because  
20 I don't -- I don't want to keep taking medication for  
21 the rest of my life. Can we --

22 So she's helping with the therapy, like  
23 to -- to see -- because he said sometimes you need to  
24 medicate, but the therapy that she gives me, it's giving  
25 me -- she's helping me a lot.

1 Q. So the therapy that you're getting with Julia  
2 is helping you the same way that the meds were helping  
3 you?

4 A. She kind of makes me how to -- I was -- I was  
5 shocked how she show me whatever my mind was saying.

6 Q. Okay. But as of three or four days ago you're  
7 not on any medication?

8 A. I stopped because I had -- I told the doctor I  
9 had a headache, you know, and already it was a side  
10 effect.

11 Q. Of which one?

12 A. There's one or two of them. Yes.

13 Q. But you stopped all of them?

14 A. I stopped all of them, yes.

15 Q. And what was the dosages of these medications?

16 A. One -- two of them -- two of them was once a  
17 night. And Tramadone, it was with a T, that was three  
18 times depending on my anxiety.

19 Q. Is it Tramadone?

20 A. Yes. Tramadone.

21 Q. Okay. So you -- do you know what the dosage  
22 was of each pill?

23 A. Like -- I think I'm recalling maybe 10 or  
24 20 milligrams.

25 Q. Okay. So you would take that up to three times



1 a day?

2 A. If I had anxiety, but I never took that much  
3 amount. But that's -- that's what the bottle says.

4 Q. It is that you could take --

5 A. That you could, yes.

6 Q. But you did not?

7 A. I never took the three ones. I would just take  
8 one.

9 Q. Okay. And what about the other medications?

10 A. I think it was just one. I just did one. But  
11 I will make sure I took them like two hours separate at  
12 night.

13 Q. Okay. Since March of 2022 through three days  
14 ago, was there ever a time period when you stopped  
15 taking the medications?

16 A. She -- she told me, like you said, she told me  
17 to -- she reduced the dosage. She told me to slow down  
18 like that --

19 Q. When was that?

20 A. Like in, I think in August.

21 Q. August of 2023?

22 A. 2022. '22. Yes.

23 Q. Okay. So from March 2022 through August 2022,  
24 you were on a higher dosage?

25 A. Yes.

1 Q. Effective August of 2022, how did she reduce  
2 it?

3 A. She reduced the milligram, I think.

4 Q. Okay. Did you still take them every day or was  
5 there ever a time where you would skip them?

6 A. I would -- I wouldn't take it. But she did the  
7 first time. She gave me -- I forgot. She gave me --  
8 she told me to -- to I think not -- not -- not every  
9 day. To like once to three days.

10 Q. Sorry. Can you say that one more time? She  
11 told you....

12 A. Not -- not as prescribed. But she prescribed  
13 them but she told me not to -- not like -- because I was  
14 supposed to -- because you have to let your body absorb  
15 the, I think, the milligrams. Yeah.

16 Q. So you did not take them every day beginning in  
17 August of '22?

18 A. Not -- not every day like I was before. Not  
19 like the first time.

20 Q. Were things improving stress-wise in August of  
21 '22, which is why she suggested --

22 A. Yes. I told her I was improving, but the one  
23 thing I was not it was -- my OCD was not improving a  
24 little bit.

25 THE REPORTER: Was improving?



1 THE WITNESS: It was -- wasn't. It was but  
2 it wasn't -- in some occasions.

3 Q. (BY MS. ASHTON) Do you also have OCD?

4 A. Yes, related to my work. I started doing OCD  
5 at work, because I didn't want Jackie to come at me.

6 Q. Okay. We'll talk about this in a second.

7 Okay. So we talked about 2022. So from  
8 August of 2022 through three days ago, did the amount of  
9 medication you were taking ever change?

10 A. What do you mean?

11 Q. So from August of 2022 when she reduced the  
12 dosages and you didn't take them every single day, was  
13 that the regimen that you were on through the present?

14 A. I don't -- I don't remember.

15 Q. Was there ever a time between August '22 and  
16 three days ago when you didn't take them at all?

17 A. No, there was never a time.

18 Q. You always took a little bit?

19 A. I always took some, yes.

20 Q. Okay. What is the OCD medication? Do you know  
21 what it's called?

22 A. It's -- it's all for the same thing, they told  
23 me. It's the same medicine.

24 Q. Do you remember which one it's called though  
25 specifically for OCD?

1 A. No. But I'm -- I'm -- I'm taking medicine for  
2 OCD, but it's the same medicine for my OCD, my PTSD.  
3 It's -- it's all for the same thing.

4 Q. Okay. Let me just make sure I'm understanding  
5 what the medications are for.

6 So we said anxiety, stress, sleep and then  
7 OCD and PTSD?

8 A. Yes.

9 Q. Is there anything else that you're taking them  
10 for?

11 A. No.

12 Q. Okay. And the three to four medications that  
13 you were -- you were talking about, one of which is  
14 Tramadone; correct --

15 A. Uh-huh.

16 Q. -- that treats all of these issues?

17 A. There's -- there's some other ones but I forgot  
18 the names.

19 Q. Okay. If you remember the names sometime  
20 today, will you remember to tell me?

21 A. Okay.

22 Q. Okay. Are any of them like Prozac, Lexapro?

23 A. I think so. But it's the generic brands,  
24 that's why I don't -- I don't --

25 Q. Okay. The PTSD, what is that?



1           A. It's -- I get the PTSD -- whenever I went to  
2 the therapist, I told her that I went back to the people  
3 I used to work with because that -- that department that  
4 I'm on -- I'm one -- I'm one of the most  
5 knowledgeable -- they're seeing my knowledge there. And  
6 I'm one of the most knowledgeable there that drives the  
7 machines with -- with the engine being on, with the -- a  
8 machine called the mule, which we have to hook up to the  
9 tracks so we can maneuver out.

10                   And -- and that rig that I needed -- they  
11 wanted me to work on was in the other department where I  
12 used to get hassled.

13                   And I told my lead -- my new leadman, I  
14 said it was going to be hard for me to go back in that  
15 area.

16                   And whenever my leadman introduced me to  
17 the new manager saying, "This is Edgar Reyna. He's the  
18 one -- he's of the knowledgeable guys we got. He's  
19 going to be the one driving the machine out, the rig out  
20 in a safe way."

21                   But somehow when my -- guy that -- the  
22 other lead Thang Nguyen --

23                   THE REPORTER: The other....

24           A. The other leadman that I used to work under  
25 before, he was the one giving me orders. So whenever I



1 was about to drive the machine, he started yelling.

2 You know, I heard his voice whenever he --  
3 he's giving me directions, he brought me back flashbacks  
4 and memories and I froze. I couldn't move the machine.  
5 And I apologized to my new leadman.

6 I told him, "I -- I can't do it. I'm  
7 sorry."

8 I wasn't able to -- to control the machine.  
9 I felt -- I felt -- I felt like I failed, I told him,  
10 and I couldn't move the machine.

11 Q. (BY MS. ASHTON) The PTSD is -- what was the  
12 origin of it? What did it -- how did it start?

13 A. I didn't -- I told the therapist I didn't know  
14 I had PTSD until I went in to her. I told her my frozen  
15 moments, and when I got -- when I get flashbacks and  
16 when I freeze and when I get fear.

17 And that's when she told me -- she  
18 introduced me to PTSD. I didn't --

19 Q. But I guess my question is: Is it -- is it  
20 something that occurred at work or is it something that  
21 occurred outside of work?

22 A. At work.

23 Q. It's all work related?

24 A. It's all work related.

25 Q. And what about your OCD? What is -- what is

1 the OCD?

2 A. It's work related.

3 Q. But what is -- what is the --

4 A. Whenever I repeat things twice. I have to  
5 repeat things twice.

6 Q. And when did that start?

7 A. Every time that I work -- I would -- I would do  
8 my work twice to make sure I didn't -- I didn't want  
9 Jackie to come at me. I didn't want to give him a  
10 reason to attack me. So I had to make sure my work was  
11 done perfect.

12 Because he would tell, "Make sure it's  
13 right. I don't want to come back."

14 So every -- every job that I did I had to  
15 do it twice. If it was not the same day, I would come  
16 back the next day and do the same thing. I would take  
17 it and redo it.

18 Q. When did that start though?

19 A. Like around 2018.

20 Q. 2018 is when the OCD started?

21 A. Yes.

22 Q. Okay. Prior to March of 2022, had you ever  
23 taken any medication for anxiety, stress, for sleep?

24 A. I haven't. I was so afraid to seek help. I  
25 didn't want to seek help.



1 Q. So you've never taken --

2 A. No.

3 Q. -- medications for those issues?

4 A. Only -- not for -- no. One time it happened in  
5 2022 whenever I was taken to the ER, they gave it to me  
6 at the hospital.

7 Q. Okay. I -- I meant prior to 2018 --

8 A. No. I never took those, no.

9 Q. You were never prescribed --

10 A. I never seek help. I never seek -- I didn't --  
11 I didn't -- I was so afraid to seek help.

12 Q. My question though is, prior to 2018, just to  
13 make sure I'm clear, you were never prescribed anxiety,  
14 depression medications?

15 A. No.

16 Q. Okay. And I'm sorry. How often did you say  
17 you see Julia?

18 A. It's once a week, but she made it now twice a  
19 week.

20 Q. Okay. And before Healing Souls, did you see  
21 any other psychiatrist, mental health provider?

22 A. No, I didn't.

23 Q. Have you ever been fired from a job before?

24 A. No, ma'am, not that I recall.

25 Q. Where did you work before Epiroc?

1 A. Before Epiroc, I think I was working at the --  
2 an AC company, Robert & Sons.

3 Q. How long were you there?

4 A. It was just --

5 THE REPORTER: What's the name of it?

6 THE WITNESS: Robert & Sons.

7 THE REPORTER: Robert.

8 THE WITNESS: And Sons.

9 Q. (BY MS. ASHTON) How long were you there?

10 A. For -- it was -- it was temporary. A couple of  
11 months.

12 Q. Why did you leave?

13 A. It was -- it was -- it slows down during the  
14 winter. I didn't leave -- that's when I got a call from  
15 Epiroc, and I went to the interview.

16 Q. Okay. And before Robert & Sons, where did you  
17 work?

18 A. Before Robert & Sons. I think I worked at CBR.

19 Q. CBR?

20 A. Yes, I think.

21 Q. What do they do?

22 A. They build the machines for the oil, for the  
23 oil rig, for the oil industry.

24 Q. What did you do for them?

25 A. Assembler.



1 Q. Was it assembler similar to what -- what you do  
2 now at Epiroc?

3 A. It was -- it was -- it was not -- not big  
4 machines like them. Smaller machines like semi-trucks,  
5 like Peterbilt.

6 Q. But other than that, was it a similar job?

7 A. It was a similar job, yes.

8 Q. How long were you at CBR?

9 A. I think for a year and something. A year and  
10 something each -- each of them.

11 Q. And that's when you went to Robert & Sons?

12 A. I think -- I don't recall, but I think I did,  
13 yes.

14 Q. Did you ever make any -- at any other  
15 employment outside of Epiroc, have you ever made any  
16 complaints?

17 A. I don't recall, ma'am. I don't recall. I  
18 have -- I had never made complaints. I never recall.

19 Q. You've never complained of discrimination or  
20 retaliation before?

21 A. Not -- not that I recall.

22 Q. Have you ever had, other than your finger, have  
23 you had any other disabilities?

24 A. I did have a -- my -- my injury I had on my  
25 other job in 2007.



1 Q. What was that?

2 A. International.

3 Q. The job was called -- it was -- the company was  
4 International?

5 A. Yes.

6 Q. Was it called something other than  
7 International, like --

8 A. It was SST Trucking, I think.

9 THE REPORTER: It was what?

10 THE WITNESS: SST Trucking.

11 Q. (BY MS. ASHTON) SST Trucking.

12 A. Yes.

13 Q. What was your injury in 2007?

14 A. My -- my finger.

15 Q. The same finger?

16 A. No. It's the middle finger. It's the finger.  
17 My index finger is Epiroc, and my middle finger was the  
18 other place.

19 Q. Okay. So index finger on which hand?

20 A. Left hand is from Epiroc, and the middle finger  
21 left hand is from International.

22 Q. What was that injury, the middle finger injury?

23 A. The line -- the line got jammed. The line  
24 while I'm working, the line got jammed, and it jerked  
25 and wherever I was working, fell on my finger.

1 Q. What fell on your finger?

2 A. The drive shaft.

3 Q. The what?

4 A. The drive shaft.

5 Q. What is that?

6 A. The drive shaft is the drive shaft that  
7 connects the -- to the axles, differentials together,  
8 binds them together.

9 Q. Is that heavy?

10 A. It's heavy. Yeah, it's heavy, yes.

11 Q. Okay. I assume that's what -- was it a crush  
12 injury also?

13 A. It -- it was crush, yeah. It cut -- it cut the  
14 tip off my finger.

15 Q. It cut the tip of your finger. Off?

16 A. Yes, it cut it off.

17 Q. Okay. Because you don't have a fingernail on  
18 that finger.

19 A. It cut the tip off, and they were able to put  
20 it back, whatever it had left.

21 Q. Okay. And so -- but it was a similar injury  
22 crush -- because it was a crush injury than on your  
23 index finger from Epiroc?

24 A. It was -- I don't know if it was similar, but  
25 it was -- was -- what do you mean similar?

1 Q. They were both crush injuries; correct?

2 A. Yes. Crush injuries.

3 Q. And it looks like the middle finger injury was  
4 more severe; is that correct?

5 A. It just -- it just cut -- it just missed the  
6 tip. That's it.

7 Q. Well, looking at your fingers, you still have  
8 your nail on your index finger from -- correct?

9 A. Yes.

10 Q. But your middle finger is missing the tip;  
11 correct?

12 A. Yes. It's missing the tip.

13 Q. Okay. And from your middle finger injury, did  
14 you have any function issues with your hand?

15 A. I -- I do -- what do you mean "function"?  
16 Like --

17 Q. Following your injury to your middle finger in  
18 2007, did you have any issues using your left hand?

19 A. No. I didn't have -- I was -- I'm able to --  
20 it moves better than this finger.

21 Q. Your middle finger moves better than your index  
22 finger?

23 A. Yes.

24 Q. From after the injury?

25 A. Yes.



1 Q. Okay.

2 A. It took -- it took years probably but now it  
3 moves better than I first --

4 Q. It took years for your middle finger to heal?

5 A. Yeah. At first it wasn't -- at first it  
6 wasn't, but now this time, it moves better than my left  
7 hand.

8 Q. Okay. And just -- let me just finish this  
9 sentence so I make sure the record is clear.

10 It took years for your middle finger to  
11 heal so that you could regain usage in your hand; is  
12 that correct?

13 A. I didn't know how -- how long but now I can  
14 maneuver it more than before.

15 Q. Okay. When you were at SST Trucking when that  
16 injury occurred, did you request any sort of medical  
17 accommodations following your accident?

18 A. No. I didn't do nothing. I just -- they gave  
19 me -- go to a doctor. And that was it. I went to the  
20 doctor.

21 Q. I assume you weren't able to use your left hand  
22 for some period of time?

23 A. Oh, yes. They gave me light duty, light-duty  
24 work. Yes. They gave me --

25 THE REPORTER: Excuse me?

1           A. Paperwork. I was -- I was in an office doing  
2 paperwork.

3           Q. (BY MS. ASHTON) You were on light-duty work --

4           A. Yes.

5           Q. -- following your middle finger injury?

6           A. Yes.

7           Q. Do you recall for how long?

8           A. For almost -- for a while. I remember it was  
9 for a while.

10          Q. When did you leave SST Trucking?

11          A. In 20 -- they shut down in 2013. 20 -- March.  
12 I can't remember. March 2013.

13          Q. Is that when you left?

14          A. Yes. Everybody left at that time. And that's  
15 when they send us to college. That's when I got my  
16 certificate after that.

17          Q. Okay. So you -- the reason you left  
18 SST Trucking is because the company shut down?

19          A. Shut down, yes.

20          Q. Okay. From 2007 through 2013, what was your --  
21 were you -- did you say you were an assembler there?

22          A. Yes, assembler.

23          Q. You were in a similar role than at Epiroc?

24          A. It's -- it's -- over there I was assembler,  
25 floater, leadman.



1 Q. Did you ever make any complaints of  
2 discrimination at --

3 A. Not that I recall.

4 Q. -- SST Trucking?

5 A. Yes. Not that I recall.

6 Q. Okay. So you've never filed any --

7 A. To the EEOC, no.

8 Q. Let me just ask the question.

9 A. Okay.

10 Q. You never filed any charges with any  
11 administrative agency?

12 A. No. No.

13 Q. Other than the injury in 2007 and the injury at  
14 Epiroc, have you had any other injuries?

15 A. No, ma'am.

16 Q. No other disabilities?

17 A. My -- not work related, but I had an issue with  
18 the -- my back. I had a pinched nerve.

19 Q. When was that?

20 A. I don't really recall the year, but I think it  
21 was -- I don't know if it was '21 or '20, 2020 or '21.

22 Q. Okay. And what did you do about it?

23 A. I had a procedure with stem cells. I took FMLA  
24 from work for a month and a half, I think.

25 THE REPORTER: You took off a month?

1 THE WITNESS: And a half. For that  
2 procedure. FMLA.

3 Q. (BY MS. ASHTON) You took FMLA for about a  
4 month and a half in either 2020 or 2021?

5 A. Yes.

6 Q. And that was while you were at Epiroc?

7 A. That was at Epiroc, yes.

8 Q. And the purpose of that was to get back  
9 treatments?

10 A. It was -- I had a pinched nerve, so they put  
11 stem cells.

12 Q. Did it work?

13 A. It worked, yeah.

14 Q. And did you take that leave without any issue?

15 A. Yes, I didn't have -- I didn't have issues.

16 Q. When you returned from that leave, did you need  
17 any sort of accommodation?

18 A. No, I didn't. I was able to -- I was ready to  
19 get, you know, get going.

20 Q. When you returned from that leave, you went  
21 straight back into your assembler role?

22 A. Yes, I did.

23 Q. Any other disability injury that we haven't  
24 talked about?

25 A. No. No. Huh-uh.



1 Q. All right. You signed your offer letter for  
2 Epiroc in November of 2017.

3 Is that what you recall?

4 A. I think it was -- yes. I think -- I got  
5 hired -- I know I got hired in, yes, in November  
6 something. Yes.

7 (Exhibit No. 1 marked.)

8 Q. (BY MS. ASHTON) I'll hand you Exhibit 1. Does  
9 this document look familiar to you?

10 A. I think it does, yes.

11 Q. Is that your eSignature at the bottom? It says  
12 your name in the red box.

13 A. Yes. It says my name.

14 Q. And it's dated November 17th of 2017?

15 A. Uh-huh.

16 Q. Is that correct?

17 A. Yes.

18 Q. And it says, "Atlas Copco Drilling Solutions is  
19 pleased to extend to you the opportunity to join its  
20 Garland facility as an assembler in the mid-range  
21 department reporting to Jackie Gudgel on second shift."  
22 Correct?

23 A. Uh-huh.

24 Q. Is that correct?

25 A. Yes.

1 Q. Okay. All right. So do you recall your first  
2 day on the job?

3 A. My first day was December the 4th, I think.

4 Q. Of 2017?

5 A. 2017. Yes. That's when I started.

6 Q. Prior -- immediately prior to Epiroc, you were  
7 employed but at the temporary Robert & Sons; is that  
8 right?

9 A. I think so, yes.

10 Q. And your salary at the time you were hired,  
11 according to the offer letter, was \$43,700.80; is that  
12 right?

13 A. Yes.

14 Q. And you got a shift differential?

15 A. Differential. Yes.

16 Q. Since then, have you received any pay  
17 increases?

18 A. Yes. I think I have, but I really don't, you  
19 know, pay attention to -- I just, yes, I think I have.  
20 I might have. It's my shift -- I'm already maxed, my  
21 salary, I think, at work.

22 Q. You're maxed out at work?

23 A. I think, yes.

24 After five years, you're already  
25 reached the -- you don't get raised no more.



1 Q. After five -- after you're employed by five  
2 years, you're not eligible for any more raises?

3 A. No. I think it's three -- I think it's  
4 three -- thirty-something months, as I recall.

5 THE REPORTER: Three?

6 THE WITNESS: Three, three years, which  
7 is 32 -- is a -- it's three years, yes.

8 Q. (BY MS. ASHTON) So right now you're not  
9 eligible for any increases?

10 A. That we did get the new -- they did give us a  
11 new raise for cost of living and some other stuff, I  
12 think, for everybody.

13 Q. Do you know what your total take-home salary is  
14 right now?

15 A. It's -- I get paid 28 something as I recall.

16 Q. Twenty-eight something an hour?

17 A. Yes.

18 Q. Do you know annually what that comes out to?

19 A. I don't know, ma'am.

20 Q. And you participated in an orientation when you  
21 were first hired; is that right?

22 A. Yes.

23 Q. Do you remember who ran the orientation?

24 A. Reagan.

25 Q. Reagan?

1 A. Reagan. HR, Reagan.

2 Q. Reagan was in HR at the time?

3 A. Yes. HR representative. Reagan -- Reagan --  
4 Reagan Francis.

5 Q. Representative. HR representative.

6 Do you recall what you went over during  
7 orientation?

8 A. I think what -- the stuff they do there in  
9 their harassment and discrimination policy and  
10 everything and health policy.

11 Q. That's a great segue.

12 So you received a copy of Epiroc's Equal  
13 Opportunity Employment policy?

14 A. Uh-huh.

15 Q. Is that a yes?

16 A. Yes.

17 (Exhibit No. 2 marked.)

18 Q. (BY MS. ASHTON) I'm going to hand you  
19 Exhibit 2.

20 Does this policy look familiar to you?

21 A. I think it does. It's been so many years.  
22 But, yeah, I think it does.

23 Q. The last page of the Exhibit, Epiroc 23, this  
24 is the acknowledgment of receipt and review of the EEO  
25 policy; correct?



1 A. Yes.

2 Q. And is this your signature on this page?

3 A. Yes, ma'am.

4 Q. You understand that Epiroc has a policy of  
5 equal employment opportunity relating to all terms and  
6 conditions of your employment; correct?

7 A. Yes.

8 Q. And you're aware of Epiroc's complaint  
9 procedure?

10 A. Yes.

11 Q. And you've used the complaint procedure many  
12 times during your employment; right?

13 A. Yes, I did.

14 Q. You are aware that Epiroc has a policy  
15 prohibiting retaliation against anyone who makes a good  
16 faith complaint?

17 A. Yes.

18 (Exhibit No. 3 marked.)

19 Q. (BY MS. ASHTON) I'm going to hand you  
20 Exhibit 3. This is the anti-harassment policy.

21 Again, I assume this looks familiar to you.

22 A. Yes.

23 Q. The last page of the exhibit is the  
24 acknowledgment of receipt and review of the  
25 anti-harassment policy; is that right?

1 A. Yes.

2 Q. And this is your signature on that page?

3 A. Yes, ma'am.

4 Q. And you understand that Epiroc has a policy  
5 prohibiting harassment; correct?

6 A. Uh-huh.

7 Q. Is that a yes?

8 A. Yes. Yes.

9 Q. You understand Epiroc has policy prohibiting  
10 retaliation against anyone who makes good faith  
11 complaint of harassment?

12 A. Yes.

13 Q. How did you find out about the assembler  
14 position at Epiroc?

15 A. How did I find out?

16 Q. Yes.

17 A. We -- we applied to -- well, me and a couple of  
18 people that worked at International, we applied to  
19 Epiroc in 2013. And then they -- we didn't get called  
20 until 2017 one by one.

21 Q. You submitted your application --

22 A. Application in 2013.

23 Q. In 2013?

24 A. Yes.

25 Q. But you weren't called?



1 A. Until 2017.

2 Q. Between 2013 and 2017, did you apply again or  
3 you just applied that one time?

4 A. I think just that one time, I think.

5 Q. And you said you and a couple of guys. The  
6 guys that you applied with, were any of them also hired?

7 A. Yes. Jeff, I think -- well, I found out that  
8 -- I know me and me and Luis Martinez did at the same  
9 time. But there -- we got interviewed, and another guy  
10 that we knew from International, Jeff Perkins he said he  
11 applied around the same year, but he wasn't with us.

12 Q. Luis Martinez worked at International with you?

13 A. Yes.

14 Q. And he also applied at the same time as --

15 A. Yeah. Same time, 2013.

16 Q. Just try to wait until I'm done.

17 THE REPORTER: I'm having a hard time.

18 Q. (BY MS. ASHTON) Just -- she is -- when you see  
19 the transcript, it's going to read Jamie, Edgar, Jamie,  
20 Edgar, and it's -- it's just hard if we talk over each  
21 other.

22 A. I'm sorry.

23 Q. You said Luis Martinez was also hired by  
24 Epiroc?

25 A. Yes.

1 Q. At the same time as you?

2 A. I think a month earlier than me.

3 Q. Do you recall what position he was hired for?

4 A. Assembler.

5 Q. Do you recall who he reported to?

6 A. Jackie Gudge.

7 THE REPORTER: What's Jackie's last name?

8 MS. ASHTON: It's G-U-D-G-E-L.

9 Q. (BY MS. ASHTON) Anyone else -- oh, sorry --  
10 you said Jeff Perkins; is that right?

11 A. Yes.

12 Q. Jeff also worked at International?

13 A. Yes.

14 Q. And what was Jeff hired to do at Epiroc?

15 A. Assembler too.

16 Q. Also reporting to Jackie?

17 A. Yes.

18 Q. Anyone else you recall who was hired around the  
19 same time as you?

20 A. No, ma'am.

21 Q. Did you interview for the position?

22 A. Yes. With Jackie.

23 Q. Did you interview with anybody else other than  
24 Jackie?

25 A. No.



1 Q. How did that interview go with Jackie?

2 A. At first it went good. Yeah.

3 Q. Do you know who made the decision to hire you?

4 A. I don't know, ma'am.

5 Q. Would you assume it's Jackie considering he  
6 interviewed you?

7 MS. COLE: Objection; form.

8 You may answer.

9 A. I don't know, ma'am.

10 Q. You did report --

11 THE REPORTER: I don't know? Is that you  
12 said?

13 A. I think, yes, either -- because he said he was  
14 going to report to his manager, I think. I don't  
15 know if he --

16 Q. (BY MS. ASHTON) Following the interview, he  
17 said he was going to talk to --

18 A. Yeah. Or go over whoever interview, and I  
19 would get letter, offer letter, email.

20 Q. Which is what we saw; correct?

21 A. Yes. Yes.

22 Q. Exhibit 1.

23 A. Uh-huh.

24 Q. Okay. You reported directly to Jackie;  
25 correct?

1 A. Yes.

2 Q. And you reported directly to Jackie until  
3 Jackie retired; is that right?

4 A. Yes.

5 Q. Okay. Do you know when Jackie retired?

6 A. I think it was, as I recall, maybe I think  
7 2022.

8 Q. Like in the summer or something?

9 A. Yeah, in the summer of 2022.

10 Q. When you were first hired in December of 2017,  
11 you got along with Jackie; correct?

12 A. Just job related. Just not like --

13 THE REPORTER: Just what?

14 THE WITNESS: Like work related, like job,  
15 but nothing else.

16 Q. (BY MS. ASHTON) But you got along with him at  
17 work?

18 A. Yes. Just --

19 Q. And throughout your employment until Jackie  
20 retired, he never gave you any disciplinary counseling;  
21 is that right?

22 A. Verbally only. Only verbally but nothing in  
23 signature.

24 THE REPORTER: Nothing in....

25 THE WITNESS: Signature.



1 Q. (BY MS. ASHTON) Jackie never gave you any  
2 written counseling?

3 A. No. No.

4 Q. Do you think Jackie is a good person?

5 A. No, not a good person.

6 Q. Do you think he's an honest person?

7 A. He's not honest.

8 (Exhibit No. 4 marked.)

9 Q. (BY MS. ASHTON) I'm going to hand you  
10 Exhibit 4. This is a copy of the assembler job  
11 description.

12 I assume this document looks familiar to  
13 you?

14 A. Yes.

15 Q. Is this an accurate description of your  
16 assembler job duties?

17 A. Yes.

18 Q. Okay. In the middle of the first page under  
19 the box called "Principal Responsibilities," do you see  
20 in bold where it says "Occasional comma Infrequent"?

21 Right here. Do you see that?

22 A. Oh, occasional? At the bottom?

23 Q. Yes.

24 A. Yes.

25 Q. And it says "train new hires" is the first

1 bullet point; right?

2 A. Uh-huh.

3 Q. Sorry. Is that a yes?

4 A. Yes.

5 Q. So what does training entail?

6 A. Training? What do you mean?

7 Q. What do you -- when you're training new hires,  
8 what do you do?

9 A. You -- you train them. You train them like --  
10 you have to train them like good, you know.

11 Q. Let me ask this way. So let's say there's a  
12 new hire. What part of your job day --

13 Let me ask you this: When did you work?  
14 What were your hours?

15 A. What do you mean? Because I know it says  
16 training new hires, but not everybody at work is allowed  
17 to train new -- they have -- they come and ask you. You  
18 have to have knowledge. Not everybody trains at work.

19 Like I'm training again, because I'm one of  
20 the knowledgeable guys on first shift right now. So  
21 there's other people there than me, but they don't  
22 have -- they chose -- leadmen chose me because of the  
23 knowledge that I have. But it's not everybody -- not  
24 everybody trains people at work. I know it's here.

25 Q. Okay. And since your hire, you've been on the

1 second shift; correct?

2 A. I've been on first. Yes, second, yes, since I  
3 hired, yes. Since.

4 Q. You're on the second shift?

5 A. Yes.

6 Q. And what are those hours?

7 A. It was 3:30 to 12:00.

8 Q. 3:30 PM to 12:00 AM?

9 A. Yes.

10 Q. Have those hours been consistent throughout  
11 your employment?

12 A. Yes.

13 Q. And Jackie is the supervisor of the second  
14 shift; is that right?

15 A. Yes. Uh-huh.

16 Q. Yes?

17 A. Yes.

18 Q. So is Jackie there 3:30 PM to 12:00 AM?

19 A. Yes.

20 Q. Is that Monday through Friday?

21 A. Monday through Friday, yes.

22 Q. And how many assemblers are on the second shift  
23 typically?

24 A. Like four, five or six.

25 Q. Including you?



1 A. Including me, yes.

2 Q. Do you recall at the time you were hired the  
3 names of the assemblers on the second shift with you?

4 A. Billy Poe, my trainer.

5 Q. I'm sorry. His name is --

6 A. Billy Poe.

7 Q. Billy Poe.

8 A. Yes.

9 THE REPORTER: Poe?

10 THE WITNESS: P-O-U -- P-O-E.

11 Q. (BY MS. ASHTON) Poe.

12 A. Yes. He was my mentor.

13 Q. Who else?

14 A. Johnny Sanders.

15 THE REPORTER: Say it again.

16 THE WITNESS: Johnny Sanders.

17 Q. (BY MS. ASHTON) Okay.

18 A. He -- after Billy left, he -- Johnny mentored  
19 me.

20 Q. Okay.

21 A. And Kevin, Scott, Jamie. And who else?

22 Fernando Valdez.

23 Q. What is Fernando's last name?

24 A. Valdez.

25 Q. Valdez. Okay.

1 A. And who else was there? I don't remember.  
2 There was other people.

3 Q. I guess the person who was hired with you, Luis  
4 Martinez --

5 A. Luis Martinez, yes.

6 Q. Okay. Are any of these individuals still  
7 assemblers with you now today?

8 A. No. Let me see. Who -- no. Not -- no. Only  
9 Luis. Luis is a tester. He works outside.

10 Q. Luis is a tester?

11 A. He works outside.

12 Q. He works outside?

13 A. Yes.

14 Q. On the second shift?

15 A. Not with -- not everybody on first shift.  
16 We're all on first shift now.

17 Q. Oh, you're on first shift now.

18 A. Yes.

19 Q. When did you move to first shift?

20 A. October. I think October.

21 Q. October of '23?

22 A. Yes.

23 Q. Well, why did you move to first shift?

24 A. It was -- I didn't move. Everybody got moved  
25 because they shut down second shifts.

1 Q. Oh, there's no second shift anymore?

2 A. There's no second shift anymore.

3 Q. What are the hours for first shift?

4 A. 7:00 AM to 3:30.

5 Q. So there's only one shift?

6 A. It's only one shift, yeah.

7 Q. Okay.

8 A. Yes.

9 Q. And who's your supervisor now?

10 A. Juan Tamez.

11 Q. Juan...

12 A. Tamez.

13 Q. Tamez?

14 A. Yes. T-A-M-E-Z.

15 Q. E-Z.

16 A. Yes. Juan Tamez.

17 Q. And do you know the names of the assemblers  
18 currently with you now?

19 A. Yes. I think it's Mauricio.

20 Q. Mauricio.

21 A. Mauricio, Freddie, Ryan, Tim. Ryan, Tim,  
22 Alexis, Rudy.

23 Q. Rudy?

24 A. Rudy. Joshua and Diana. And who else? Juan.

25 Q. Do you know Juan's last name?



1 A. Galyon.

2 Q. Galyon?

3 A. Galyon and -- let me see. Damon and Aaron, the  
4 guy that I'm training.

5 Q. There's a lot more assemblers on the first  
6 shift with you now than there were on the second shift?

7 A. Yes.

8 Q. Okay. Did they just consolidate everybody?

9 A. What do you mean, consolidate?

10 Q. They got rid of the second shift so did -- when  
11 they did that, did they just like bring everybody  
12 together on the first shift?

13 A. Did they -- everybody that's -- that used to be  
14 on second, it's -- it's in the Station 1 to 5.

15 Everybody that's on first shift, it's on  
16 Station 6 to 11, which is where I'm as, 6 to 11.

17 Q. Okay. The people that we named were the  
18 assemblers. And then I understand there's leadmen;  
19 correct?

20 A. Uh-huh.

21 Q. How many leadmen are there per shift?

22 A. Oh, I have Ricky. Ricky is my new leadman.  
23 Ricky and Long.

24 Q. Right now?

25 A. Yes. And Skip.

1 Q. So you have Ricky. What was the second name?

2 A. Ricky. Long.

3 Q. Ricky, Long?

4 A. No. Ricky -- Ricky Sanchez is his last name.

5 Q. Okay.

6 A. But Long is -- is the other leadman,  
7 electrician/leadman.

8 Q. His name is Long?

9 A. Long, yes.

10 Q. Okay.

11 A. And then the other leadman is Skip.

12 Q. Skip?

13 A. Skip. Yes.

14 Q. Do you know Long's last name?

15 A. No. I don't know, ma'am.

16 Q. And what about --

17 A. Skip. I don't know Skip.

18 Q. All right. Go ahead.

19 A. I don't Skip's last name either.

20 Q. Okay. When you were still on the second shift,  
21 what were -- who were your leadmen?

22 A. Peter Chung and Thang Nguyen.

23 THE REPORTER: Say it again. Peter Chung?

24 THE WITNESS: Peter Chung, yes.

25 MS. ASHTON: It's C-H-U-N-G, Chung.



1 THE WITNESS: And Thang Nguyen.

2 MS. ASHTON: It's T-H-A-N-G and then  
3 Nguyen, N-G-U-Y-E-N.

4 THE WITNESS: And Mark.

5 Q. (BY MS. ASHTON) What's Mark's last name?

6 A. I forgot. I don't -- I forget Mark's last name  
7 because he -- he -- he walked out. He quit.

8 Q. Okay. All right. We're going to get back to  
9 this in a second.

10 So when you were on second shift and you  
11 were working 3:30 PM to 12:00 AM and somebody came to  
12 you and said, Hey, we have a new hire. I need you to  
13 train them. What -- what would you do? How would you  
14 train them?

15 A. How would I train them?

16 Q. Uh-huh.

17 A. I would show them the process book. And back  
18 then we used to use the process book and prints. So I  
19 would start off with the -- showing them the tools,  
20 because some of them had never been familiar with tools,  
21 so I would start showing them the basic tools.

22 Q. Okay.

23 A. And then the name of the -- describe to them  
24 the parts because whenever I started, nobody -- I  
25 didn't -- at first, you know, it was -- it was -- it



1 was -- yeah. Because a lot of people don't know the --  
2 the book doesn't show you the parts.

3 Q. Okay.

4 A. So I kind of would go through the book. I read  
5 it with them, and I would show them the parts before  
6 we grabbed them.

7 Q. Okay.

8 A. And then we go to the BOM book, which is the --  
9 once you get the print, you get the BOM because you have  
10 to look at the print and look at the -- at the -- the  
11 bubbles. It gives you the items and how many items you  
12 need. And then you go to the BOM and you find the --

13 THE REPORTER: What is that? BOM?

14 THE WITNESS: The BOM. Building material.

15 MS. ASHTON: It's an acronym. BOM.

16 THE WITNESS: BOM.

17 Q. (BY MS. ASHTON) What is it -- do you know what  
18 it stands for?

19 A. It's building material. It's -- it's --  
20 it's -- I don't know, but I know it's building -- it's  
21 called building material.

22 Q. Okay.

23 A. It's where you have -- you get all the -- you  
24 get all the parts, all the part numbers from the print  
25 there. And you get all the part numbers. You get the

1 part numbers for -- some of them they're warehouse, and  
2 some of them are floor locations.

3 So if they're -- they're warehouse, they're  
4 going to be in a different pick. If they're floor  
5 items, they give you a location for it. And they give  
6 you that amount, the amount of hardware that you're  
7 going to need, a correct amount.

8 THE REPORTER: Of hardware?

9 THE WITNESS: Yes. Because you need  
10 hardware to install some of the parts.

11 Q. (BY MS. ASHTON) Okay. So that's sounds like  
12 your first day.

13 So how long is training? Like is it a  
14 week-long process? Is it a couple of days?

15 A. Oh, to train somebody?

16 Q. Yes.

17 A. It's -- it's -- it takes time. It takes time  
18 because sometimes it takes -- the first week, I think  
19 right now with this new guy, the first week it's been  
20 like learning the -- because he never had a background  
21 with mechanical, so, you know, he's learning the tools  
22 first, and you get him familiar with the machine.

23 At first you get familiar with the machine,  
24 and then you -- you get familiar with the -- with the  
25 parts.



1 Q. Generally, though -- because you said you're  
2 training somebody named Aaron right now; correct?

3 A. Yes.

4 Q. So how long is that going to take you to train  
5 Aaron?

6 A. I just -- because -- it wasn't just -- just me.  
7 It was Mauricio. They gave it to me like for one week  
8 only. Because Mauricio had it for another week. But  
9 now the last week that I have him, this -- this week  
10 would have been my last week to him but he's going --  
11 now they're doing it different.

12 Every three weeks in one department, and  
13 after three weeks, they go to a different department and  
14 then --

15 Q. To learn that department?

16 A. To learn that department. And they send him  
17 back and then like that.

18 Q. Okay. Before you were on first shift, while  
19 you were on second shift, when you were training an  
20 individual, how would you get chosen to train them?

21 A. How would I get chosen to train them?

22 The leadman would ask around who wanted to  
23 train.

24 Q. They would ask the assemblers who would be  
25 interested --



1           A. Do you feel like training? Do you feel you can  
2 train somebody? Yes, they'll ask.

3           Q. So was it a voluntary thing?

4           A. Sometimes it was voluntary. Sometimes they  
5 would just give it to you.

6           Q. Sometimes they would ask if you wanted to train  
7 and other times they would say, Hey, you're training  
8 this person?

9           A. You have to train, yes.

10          Q. Okay. And was there ever a time when you could  
11 say no, I don't want to train?

12          A. Yes. But I never said no. Just -- I just -- I  
13 never like -- I said, "Okay." I never -- I never said  
14 no.

15          Q. Is training the same thing as mentoring?

16          A. I don't know. What do you mean, like same  
17 thing? Almost -- like mentoring and training? It's  
18 almost the same thing, because you're showing somebody  
19 how -- what to do, and would usually -- with mentoring  
20 it's different, because mentoring is just verbally. You  
21 tell them what -- you just come and tell them, grab  
22 this, grab that. And you don't --

23          Q. The reason I'm asking is we're going to go  
24 through the charges that you filed and things.

25          A. Okay.

1 Q. And some of the issues you raise involve  
2 mentoring. And I'm just curious what mentoring is and  
3 how it's different, if it is at all, from training.

4 A. It's almost the same thing. Yes.

5 Q. Okay. On the job description, Exhibit 4, I  
6 don't see anything on here on mentoring; is that  
7 correct?

8 A. No. There's nothing here because the  
9 mentoring, they -- they -- they gave it to us. But  
10 right now that I'm training, they call it mentoring.

11 Q. So it's interchangeable, mentoring and  
12 training?

13 A. It's interchangeable at work, yes. Because  
14 Juan asked me, "You're going to mentor somebody."

15 "Okay."

16 "Do you mind?"

17 I said, "No, I don't mind."

18 Q. How often do you get new hires in order to  
19 train them?

20 A. It all depends if the company is -- like has a  
21 lot of work, I think.

22 Q. Have you ever had to train two people at one  
23 time?

24 A. Yes. Yes, I have.

25 Q. Does training take up a full day, or are you



1 able to still perform your assembler job duties?

2 A. You -- you can perform your assembler job, like  
3 you do before. It's -- it's time consuming.

4 Q. Training is?

5 A. Yes. Because you have to go slow. You can't  
6 go at the pace that you go when you're by yourself.

7 Q. Okay. And is that why some people don't like  
8 to do it?

9 A. Yes. Some -- some people don't want to because  
10 it stops them from getting whatever they want to get  
11 done.

12 Q. And how is your job performance measured? I  
13 mean, why is that -- is it a problem if it takes  
14 somebody slower to do it?

15 A. Yes. Because some -- some -- I notice  
16 people -- some people work -- they -- they don't --  
17 because some -- you run into people that had never hold  
18 tools before, like never in the life --

19 THE REPORTER: Have never....

20 THE WITNESS: Never had a tool in their  
21 hand.

22 MS. ASHTON: Held tools before.

23 A. They had never like grabbed -- some of them had  
24 grabbed needles, because they were nurses. They never  
25 had like a wrench or impact in their hand.



1                   And -- and some people don't -- at work  
2                   don't want to -- don't have the patience to, you know,  
3                   to have somebody from the beginning like that.

4                   Q. (BY MS. ASHTON) And you're working on a rig;  
5                   is that correct?

6                   A. Yes. On a rig.

7                   Q. What is the primary job that you're doing?  
8                   What is the goal of -- as an assembler on a rig?

9                   A. Your goal is to finish wherever first shift  
10                  left off. We go by a task. They give us a task  
11                  wherever first shift left off, so we have to finish what  
12                  they left off.

13                  Q. And what -- generally what is the task? What  
14                  are you --

15                  A. Like -- let's say we're on Station 1, and  
16                  what -- and in Station 1 you have the -- you set the  
17                  frame on the rig mover, and then you -- you put your --  
18                  your fuel tank, your yoke, and a couple of other  
19                  components.

20                               And first shift didn't complete it, so  
21                               that's when they give us a pass down, and they tell us  
22                               what first shift left off, and then we go see where they  
23                               left off, whatever is not signed off, we check on the  
24                               rig, if it's there, if it's not there. And if it's not  
25                               there, we complete what they didn't finish.

1 Q. So by the end of the second shift is there an  
2 expectation of how far you'll get --

3 A. Yes.

4 Q. -- before first shift then comes back?

5 A. You -- our goal is to finish one station per  
6 day.

7 Q. One station per day?

8 A. Per day, yes.

9 Q. And what is a station?

10 A. A station is -- back then it was different when  
11 I started, but now I was doing everything stationary.  
12 They -- they want to do it kind of like production line.  
13 They want it to be moving line, like they want -- one  
14 day Station 1, next day Station 2, next day Station 3.

15 And back then it was different. When I  
16 started, it was different. The machine was in one --  
17 one station. We'll finish the machine all the way  
18 through the end when we drive it out.

19 But now since they got -- I think they  
20 want it -- they have a lot of work, and they want like a  
21 flowline.

22 Q. Okay.

23 A. So whatever you get done on Station 1, which is  
24 one of the heaviest components, you go first. And then  
25 from there you go to smaller components and then the



1 hosing and the wiring.

2 So you have to work with electricians and  
3 assemblers at the same time, welders.

4 Q. Okay. If there's not any new hires, there's no  
5 training duties; is that right?

6 A. There's no new hires? `Yes.

7 Q. There's no one to train; correct?

8 A. Uh-huh.

9 Q. Is that yes?

10 A. Yes.

11 Q. Okay. Who is Matt Buttacavoli?

12 A. That's my -- our production manager.

13 Q. He's still your production manager today?

14 A. He's still our production manager, yes.

15 Q. Did you ever report directly to Matt?

16 A. What do you mean, report to Matt?

17 Q. The supervisors report to Matt; is that  
18 correct?

19 A. Yes. Yes.

20 Q. So Jackie reported to Matt?

21 A. Yes. Uh-huh.

22 Q. Yes?

23 A. Yes.

24 Q. And your supervisor right now is --

25 A. It's Juan Tamez.

1 Q. Juan Tamez.

2 A. Yes.

3 Q. And Juan reports to Matt?

4 A. Yes.

5 Q. Okay. Do you think Matt is an honest person?

6 A. At this time, no, he's not an honest person.

7 Q. Did you ever think he was?

8 A. At first I thought he was, to be honest, I

9 thought he was and then when --

10 Q. When did that change?

11 A. Whenever I go -- whenever they would take me to  
12 HR.

13 Q. Do you have a -- is there a specific time?

14 A. HR? No. It was a lot of times.

15 Q. My question is: Do you have a specific time or  
16 something that happened that made you believe Matt is  
17 not an honest person?

18 A. Honest? Let me see. Honest because -- when he  
19 walked me out.

20 Q. And you're referring to the light-duty ending?

21 A. Yes.

22 Q. Okay. We'll talk about all of that.

23 Who is Tim Choate? And I could be

24 pronouncing these names incorrectly. But it's

25 C-H-O-A-T-E.



1 A. Tim Choate is the supervisor.

2 Q. Is he still there?

3 A. He's still there.

4 Q. Did you ever report directly to Tim?

5 A. No, ma'am.

6 Q. He's the supervisor over what area?

7 A. Small subs.

8 Q. Small subs?

9 A. And towers.

10 Q. And towers?

11 A. Yes.

12 Q. On the second shift?

13 A. On second shift, yes.

14 Q. Do you think Tim is an honest person?

15 A. No.

16 Q. Who is Scott O'leske? O comma -- not comma --  
17 L-E-S-K-E.

18 A. Scott O'leske was an assembler. He retired.

19 Q. Was he on the second shift?

20 A. Second shift, yes.

21 Q. When did he retire?

22 A. I think in 2022.

23 Q. 2022?

24 A. Yes.

25 Q. Did you think Scott was an honest person?

1 A. Sometimes. Sometimes he was racist.

2 Sometimes --

3 THE REPORTER: Sometimes he was....

4 I can't hear you.

5 THE WITNESS: Honest but not really because  
6 he was -- no.

7 Q. (BY MS. ASHTON) And Peter Chung, we had talked  
8 about Peter was a leadman?

9 A. Uh-huh.

10 Q. Is that correct?

11 A. Yes.

12 Q. Is Peter still there?

13 A. Peter's still there.

14 Q. Is Peter -- he's not your leadman anymore; is  
15 that right?

16 A. He's supervisor.

17 Q. Peter is the supervisor now?

18 A. He -- he stepped in when Jackie retired.

19 Q. Oh, okay. So Peter took over Jackie's job?

20 A. Yes.

21 Q. But Juan Tamez is now your supervisor, so --

22 A. Yes.

23 Q. Who does Peter supervise?

24 A. Mostly people that were on second shift.

25 Q. That would have been you; right?



1 A. Yes.

2 Q. But he doesn't supervise you?

3 A. He doesn't supervise no more.

4 Q. But he still works first shift?

5 A. Still works first shift, yes.

6 Q. Do you ever report to Peter?

7 A. Yes.

8 Q. When he was your leadman?

9 A. When he -- he was my supervisor in the last  
10 months that we moved. Yes.

11 Q. Okay. So after Jackie retired and before they  
12 eliminated the second shift, Peter was your supervisor?

13 A. Yes. Supervisor.

14 Q. Do you think Peter is an honest person?

15 A. At first he was, and then after -- then he  
16 changed.

17 Q. Do you -- what -- what was the time that you  
18 believe he changed?

19 A. I think it was in 2022.

20 Q. Do you recall what happened? Was there a  
21 specific event?

22 A. He -- he told me to stop complaining about  
23 Jackie, that it was only going to get worse. It was  
24 never going to be fixed.

25 Q. Was this one of the recorded calls that you

1 did?

2 A. At first he asked me if I -- that same thing  
3 that I need to stop complaining about Jackie, but I told  
4 him I didn't know what he was talking about because I  
5 haven't done a complaint, me thinking that me going to  
6 HR complaining about Jackie was confidential with me  
7 and Madison. I didn't know that the next day Peter was  
8 going to find out and approach me.

9 Q. And you think he found out because he said  
10 don't make any complaints?

11 A. I -- I don't know how -- I sent an email back  
12 to Madison asking her, how did Peter find out, if the  
13 complaint was about Jackie.

14 Q. Did Peter tell you, I know you made a  
15 complaint, or did he just say --

16 A. I just kept saying, "I don't know what you're  
17 talking about. I haven't -- I don't know -- I don't  
18 know what you're saying."

19 He said -- he just said, "You need to stop  
20 complaining."

21 Because Peter was one of the guys that used  
22 to help me a lot back then whenever I was not allowed to  
23 go to the restrooms.

24 Q. Let me -- let me just ask the question so that  
25 it's clear.



1 Did Peter tell you that he knew you made a  
2 complaint the day before?

3 A. They didn't tell me he knew -- he just said to  
4 stop.

5 Q. Okay. You took FMLA leave, we talked about, in  
6 September of 2020; correct?

7 A. I think so for my -- during the -- the  
8 procedure I had done.

9 Q. That was for your back?

10 A. Yes.

11 Q. Because you also took FMLA leave in March of  
12 2021; right?

13 A. 2021? I don't know which one is for my back.  
14 Because I took FM -- I took a month. I don't recall  
15 which one was for the pinched nerve.

16 Q. If it wasn't for the pinched nerve, what was  
17 the other reason to take FMLA leave?

18 A. Let me see. I don't recall, ma'am.

19 Q. You don't recall why you --

20 A. I don't remember. I don't know -- I don't know  
21 when the back -- my pinched nerve was. I don't know if  
22 it was 2021 or 2020. I don't want to --

23 (Exhibit No. 5 marked.)

24 Q. (BY MS. ASHTON) I'll show you an Exhibit 5.

25 This is a document from your September 2020 FMLA leave.



1 A. If you show me maybe --

2 Q. You can look at that and see if it looks  
3 familiar.

4 A. Yes. This is -- this is 2020?

5 Q. The second page -- the second page are the FMLA  
6 documents, and it says last day -- start date,  
7 September 17, 2020, return to work date, September --  
8 oh, leave approved through March 17, 2021.

9 Do you see that?

10 A. March 17? I've never been off that long.

11 Q. Well, it says, if you look down the page, it  
12 says intermittent that was approved.

13 MS. COLE: It might help if you look at the  
14 first page.

15 Q. (BY MS. ASHTON) Yeah. Yeah. You can look at  
16 the first page, too.

17 So let me ask you this: The first page of  
18 this document titled -- or dated September 17, 2020, is  
19 from Pain Treatment Institute; correct?

20 A. Uh-huh.

21 Q. Can you just answer verbally?

22 A. Yes, ma'am.

23 Q. And it's signed by Sameer Syed, a doctor, board  
24 certified interventional pain management and  
25 anesthesiology.

1 Was this your back doctor?

2 A. Yes. But I didn't go with this particular  
3 because it was dangerous. I went with the stem cells.  
4 I think the stem cells happened in 2021.

5 Q. Okay. So it says, "Edgar is a patient of mine  
6 and had a procedure on September 17."

7 What was that procedure?

8 A. I think they injected -- they gave me steroids  
9 on my -- I think on my back.

10 Q. Okay. Then it said "...the patient had to miss  
11 work on September 17 through 18 and can return to work  
12 on Monday, September 21." Right?

13 A. Let me see. September 17, 18 and September 21.  
14 Yes. It was only two days, I think.

15 Q. Okay. And then the second paragraph is, "Due  
16 to continuous flare-ups walking or standing for any  
17 length of time can cause a severe exacerbation of...."

18 I think it should be of "his pain."

19 "...therefore, must be treated  
20 immediately."

21 Did I read that correctly?

22 A. Yes.

23 Q. All right. And then it says, "It is required  
24 for Edgar to be seen monthly for reevaluation of his  
25 pain and also needs procedures done every two to four



1 weeks." Right?

2 A. Yes.

3 Q. Did you do the procedures every --

4 A. I did the procedures --

5 Q. Let me finish the question.

6 Did you do the procedures every two to four  
7 weeks?

8 A. I don't recall how often I went, but I did do  
9 the procedures on my back that they gave me. They used  
10 to put me to sleep and gave me injections.

11 Q. Would that require time off of work?

12 A. Not all the time, I think.

13 Q. But sometimes?

14 A. Sometimes, I think.

15 Q. For how long did you receive that treatment?

16 A. For a couple of months I think, and then that's  
17 when a new doctor that I met introduced me to  
18 stem cells.

19 Q. Okay. And then you had that procedure done?

20 A. I had that procedure done.

21 Q. Did you have any issues taking FMLA leave in  
22 September of 2020?

23 A. Not that I -- not that I -- no. Maybe just for  
24 that one when I took -- because it -- maybe it's been a  
25 while. Yes, I think so.

1 Q. All right. Hold on. We went from no to yes.  
2 Let me ask you again.

3 Did you -- did you take FMLA leave in  
4 September of 2020?

5 A. I think the reason we turned FMLA because it  
6 was more three days --

7 THE REPORTER: I think....

8 You said it too fast.

9 I think....

10 A. Because if it falls under three days, you have  
11 to fall under --

12 Q. (BY MS. ASHTON) I'll object as nonresponsive.

13 My question is: You took FMLA leave in  
14 September of 2020; correct?

15 A. Uh-huh. Yes.

16 Q. Did you have any issues taking that leave?

17 A. No. I didn't have issues.

18 Q. Did you have any issues returning from that  
19 leave?

20 A. Oh, no. I was -- I was able to walk inside of  
21 the plant like nothing.

22 Q. And it says in the second paragraph of this  
23 Exhibit 5 that standing or walking for any length of  
24 time can cause severe exacerbation of his pain and it  
25 must be treated immediately.



1 Did you have any issues, or do you have any  
2 issues with these restrictions while you were at Epiroc?

3 A. The restrictions? No, because they sent me to  
4 Occumed before I -- before I -- I think that I was sent  
5 to Occumed for evaluation.

6 Q. Let me object as nonresponsive.

7 My question is: Did you have any issues  
8 with continuous flare-ups, walking or standing, that  
9 exacerbated your pain following this leave?

10 A. The day I returned to work?

11 Q. When you returned to work, did you have any  
12 issues?

13 A. No.

14 Q. And Jackie was your supervisor during this  
15 time; correct?

16 A. Yes.

17 Q. And then you said you took another leave in  
18 March of 2021; right?

19 A. I think that's -- that's the one that I  
20 remember, yes.

21 Q. That's the stem cell leave?

22 A. Yes. Stem cell leave.

23 Q. And do you remember for how long you were out  
24 at that point?

25 A. Out for a month, almost a month, a month or

1 month and a half as I recall.

2 (Exhibit No. 6 marked.)

3 Q. (BY MS. ASHTON) This is Exhibit 6.

4 THE REPORTER: I'm having a really hard  
5 time hearing you, the end of your answers.

6 MS. COLE: Speak up.

7 THE WITNESS: Oh, speak up. Okay.

8 MS. COLE: Speak louder.

9 THE REPORTER: Especially at the end.

10 THE WITNESS: Okay. Sorry.

11 THE REPORTER: Because your voice is  
12 trailing off and I'm not hearing the end of your answer.

13 THE WITNESS: I'm sorry.

14 Q. (BY MS. ASHTON) All right. This is Exhibit 6.  
15 And it says you are approved for continuous FMLA leave  
16 beginning March 26, 2021.

17 Do you see that?

18 A. March 26, 2021. Start date?

19 Q. Start date.

20 A. Yes.

21 Q. And you believe this was a leave that you took  
22 relating to your back issue?

23 A. Stem cells, I think.

24 Q. Stem cells. Okay.

25 A. Yes.



1 Q. All right. And when you returned from this  
2 leave, did you require any accommodations relating to  
3 your back?

4 A. No. But they -- they send me to Occumed to see  
5 how I was.

6 Q. Who did?

7 A. I think Jackie.

8 Q. He sent you -- so you came back from the leave  
9 and he sent you to Occumed?

10 A. Occumed.

11 Q. It's O-C-C-U-M-E-D, is Occumed.

12 Why did he send you to Occumed?

13 A. To see how I was with my lifting, you know,  
14 able to -- if I was able to do my assembly work.

15 Q. Okay. Okay. Did you have any issues taking  
16 this FMLA leave?

17 A. No. I didn't have any issues.

18 Q. Did you have any issues returning from this  
19 FMLA leave?

20 A. No. I was able to walk in the company like  
21 nothing.

22 Q. And how did your appointment with Occumed go?

23 A. I passed the -- I passed the -- everything,  
24 every -- if I -- if I didn't pass, I was not going to be  
25 allowed to go to work.

1 Q. Okay. So I'm going to look after -- the second  
2 and third page of this exhibit. So this is an email  
3 chain, if you want to flip your page. It's dated  
4 May 4th of 2021.

5 Is that about when you returned after your  
6 leave?

7 A. When was it?

8 Q. May 4th of 2021.

9 A. May 4. The other one started when? 3-26,  
10 March, April. Yes. March, April. Yes. It was a  
11 month.

12 Q. Okay. And I'm going to just refer you to the  
13 middle email of this -- the second page of the exhibit.  
14 And it's an email from Reagan Francis to Jackie Gudgel.  
15 Do you see that?

16 A. Reagan Francis. Yes.

17 Q. Okay. And it says, "Matt says he's fine with  
18 Edgar working. Please make sure to stress the following  
19 to Edgar. Regardless of what the test says, if it is a  
20 heavy lift, he must get help. Even if it isn't close to  
21 60 pounds, he should make sure to get help if it is over  
22 probably 30 pounds."

23 Did I read that correctly?

24 A. Yes.

25 Q. And why is Reagan telling this to Jackie?



1           A. I know at work they don't let us lift more than  
2   30 pounds by yourself. We use the crane for everything.  
3   Even little small components like 10, 20 pounds, we have  
4   to use the crane.

5           Q. They were concerned that you would hurt your  
6   back again?

7           A. Yes. But I never -- I guess hurt but I wasn't  
8   aware, yes.

9           Q. Okay. And Jackie responds and says, "Yes, sir.  
10   I told him not to strain himself in any fashion earlier  
11   this afternoon." Right?

12          A. Yes.

13          Q. You didn't have any issues with your back  
14   following this leave?

15          A. No.

16          MS. COLE: When you get to a good stopping  
17   point, can we take a break?

18          MS. ASHTON: Let's do it now.

19          THE VIDEOGRAPHER: Off the record at  
20   10:58 AM.

21          (Recess taken from 10:58 until 11:12.)

22          THE VIDEOGRAPHER: We are back on the  
23   record at 11:12 AM, media two.

24          Q. (BY MS. ASHTON) Mr. Reyna, you understand  
25   you're still under oath? You're still under oath to

1 tell the truth?

2 A. Yes. Yes. I understand, yes.

3 Q. You're under penalty of perjury?

4 A. Yes, ma'am.

5 Q. Okay. What is your race?

6 A. Hispanic.

7 Q. What is your national origin?

8 A. Mexican.

9 Q. I think there were a couple of times in your  
10 charges you checked the box for color discrimination.  
11 So what color do you associate yourself with?

12 A. Brown.

13 Q. And Mr. Gudgel, Jackie Gudgel, what is his  
14 race?

15 A. Caucasian.

16 Q. What is his national origin?

17 A. American.

18 Q. And how do you know that?

19 A. How do I know that?

20 Q. Yes.

21 A. How do I know?

22 Q. Correct.

23 A. Because he -- they -- I think he -- he told us  
24 he was from -- he told one of the employees he was  
25 from -- from somewhere here in Texas. Let me see.



1 Amarillo. Yes. Because one of the co-workers is from  
2 Amarillo, and he told him he was from Amarillo, too, as  
3 well when he was -- that's where he was raised.

4 Q. So let me just make sure I'm understanding.

5 It is your belief that Jackie Gudgel is a  
6 Caucasian American because he told somebody else he was  
7 from Amarillo?

8 A. He said he was -- he was an American from  
9 Amarillo. That's what he told my co-worker.

10 Q. And you heard this conversation or --

11 A. Yes. I heard --

12 Q. Let me finish my question.

13 A. Okay.

14 Q. You heard the conversation, or you -- or you  
15 were told the conversation?

16 A. I heard. I heard Jackie telling him.

17 Q. You heard Jackie telling --

18 A. Telling, Noe, yes, that he was also from -- he  
19 grew up in Amarillo.

20 Q. Okay. Peter Chung, what is his race?

21 A. He told me at one time he was from China.

22 Q. So is that also his national origin?

23 A. I don't know, ma'am. But he -- that's what he  
24 told me. He was from China.

25 Q. Thang Nguyen, T-H-A-N-G, N-G-U-Y-E-N.

1 A. Thang Nguyen?

2 Q. Yes.

3 What is his national origin?

4 A. He has told a couple of us he's from Vietnam.

5 Q. Matt Buttacavoli, what's his national origin?

6 A. I don't know, ma'am. But he has -- he has told  
7 us he comes from New York, but I don't know anything.

8 Q. What about Tim Choate? Or however you  
9 pronounce that.

10 A. Tim Choate. He had told us he comes from  
11 Colorado, but that's all I know.

12 Q. What about Scott O'leske?

13 A. Scott, I think he comes from Wisconsin. He  
14 told me one time, where they make cheese, as I remember.

15 Q. We talked about the names of the assemblers on  
16 the second shift with you.

17 Billy Poe, down his national origin?

18 A. What do you mean, national origin? Like --  
19 Billy Poe, he told me he's American. Billy Poe. Yes.

20 Q. What about his race?

21 A. He told me he's -- he's Caucasian.

22 Q. What about -- I don't know if you said Johnny  
23 Sanchez or Johnny Sanders.

24 A. Johnny Sanders.

25 Q. Sanders. What is his national origin?



1 A. He's African-American.

2 Q. What's his national origin?

3 A. I don't know. What do you mean, like --

4 Q. What do you believe his national origin is?

5 A. American.

6 Q. What about Kevin? Do you know Kevin's last  
7 name?

8 A. I don't know his last name.

9 Q. What is his race?

10 A. He told me straight he said he was Caucasian.

11 Q. And what about his national origin?

12 A. He said it was -- I don't want to say, but he  
13 said it was straight -- he said -- he said it was  
14 American, yeah. Caucasian, yeah, but -- yes.

15 Q. Scott, do you know Scott's last name?

16 A. O'leske.

17 Q. Oh, that's Scott O'leske?

18 A. Uh-huh.

19 Q. Okay. Jamie. What's -- do you know Jamie's  
20 last name?

21 A. I think it's Tamez.

22 Q. What is his national origin?

23 A. I think he's American. American.

24 Q. What's his race?

25 A. He told me he was Caucasian.

1 Q. Jamie Tamez is Caucasian?

2 A. Yes.

3 Q. What about Fernando Valdez?

4 A. He's Hispanic.

5 Q. What's his national origin?

6 A. I think he's from Mexico. He's Mexican.

7 Q. And then Luis Martinez, what is his race?

8 A. Hispanic. Salvadorian.

9 Q. Salvadorian?

10 A. Yes.

11 Q. Okay. And your current supervisor is Juan  
12 Tamez; is that correct?

13 A. Uh-huh. Which is Jamie's brother.

14 Q. Jamie's -- okay.

15 A. Yes.

16 Q. So Juan is -- what is his national origin?

17 A. American.

18 Q. What about Ricky Sanchez?

19 A. Ricky Sanchez is Hispanic, but he says he's  
20 Chicano, like he doesn't know Spanish.

21 Q. What does Chicano mean?

22 A. Like you -- he's born -- he was born and  
23 raised, his mom and dad were born and raised here. He  
24 don't -- he don't know -- he don't know Spanish.

25 Q. Okay. But he's Hispanic?



1 A. Yes, Hispanic, yes.

2 Q. Do you know his national origin?

3 A. Mexican. Yes. Mexican.

4 Q. And Long?

5 A. Long is from Vietnam, I think, told us.

6 Q. Mauricio?

7 A. Mauricio is from Mexico.

8 Q. He's Hispanic?

9 A. Hispanic, yes.

10 Q. Freddie?

11 A. Hispanic, too.

12 Q. From where?

13 A. Mexico.

14 Q. Ryan?

15 A. Ryan is American.

16 Q. What is his race?

17 A. Caucasian.

18 Q. Tim?

19 A. That's a hard one. Tim. Tim is -- he's mixed,

20 I think.

21 Q. He's what?

22 A. He's mixed.

23 Q. Mixed with what?

24 A. Hispanic and Caucasian.

25 Q. Alex?

1 A. Alexis?

2 Q. Alexis.

3 A. Yes. Hispanic.

4 Q. From?

5 A. From Texas, I think. I haven't asked him all  
6 that, but I think he's from Texas.

7 Q. Is Alexis a man or a woman?

8 A. A man.

9 Q. Rudy?

10 A. Rudy is Hispanic.

11 Q. From?

12 A. Texas, I think.

13 Q. Joshua?

14 A. Joshua is African-American.

15 Q. From?

16 A. From Texas. From Texas.

17 Q. Diana?

18 A. Hispanic.

19 Q. From?

20 A. She's from here. She's from Texas. Mexican.

21 Q. I don't know what I wrote. Joe Galyon?

22 A. Juan Galyon.

23 Q. Juan Galyon.

24 A. Hispanic, Salvadorian.

25 Q. Damon, Darien?



1 A. Damon is African-American.

2 Q. From?

3 A. Mississippi.

4 Q. And then Aaron, the new hire?

5 A. Aaron, he's African-American. He's from Dallas  
6 I think.

7 Q. Do you enjoy working at Epiroc?

8 A. It's hard to what I've been through. So I  
9 mean --

10 Q. I'm going to object as nonresponsive.

11 Do you enjoy it?

12 A. No. I don't enjoy it. Through all the stuff  
13 I've been through, no.

14 Q. When did you stop enjoying it?

15 A. Ever since I start, you know, going through all  
16 the stuff that I went through.

17 At first -- at first I wanted -- you know,  
18 I thought it was going to be fixed but it never got  
19 fixed. It just got worse.

20 Q. We're going to talk about this in a second.

21 But the events -- your complaints began in July of 2018;  
22 correct?

23 A. Yes.

24 Q. So at what point did you stop enjoying working  
25 at Epiroc?

1           A. It will go off and on. It was an off and on  
2 thing.

3           Q. And for right now you don't?

4           A. No, not after what I've been through.

5           Q. Even though Jackie is no longer there?

6           A. Yes. It's -- yes. Even though he's not -- but  
7 he comes around my work area sometimes.

8           Q. Is there anything that you like about it?

9           A. Huh?

10          Q. Is that a yes?

11          A. Anything I like about what?

12          Q. Is there anything that you like about Epiroc?

13          A. The -- no. If we would have had different  
14 management, I think it would be good.

15          Q. Since you started --

16                Let me ask you this: Since July of 2018,  
17 have you applied for any positions outside of Epiroc?

18          A. No, ma'am.

19          Q. Why?

20          A. I just -- it hasn't crossed my mind.

21          Q. Well, if you have been feeling like you haven't  
22 enjoyed working at Epiroc since July of 2018, why  
23 wouldn't you just even try to find another job?

24                MS. COLE: Objection; asked and answered.

25                You may answer.



1 A. I don't know, ma'am. I just -- I haven't.

2 Q. (BY MS. ASHTON) You haven't applied for  
3 anywhere?

4 A. I haven't applied nowhere.

5 Q. What's the easiest part of your job?

6 A. The easiest part of my job?

7 Q. Yes.

8 A. The easiest part of my job is -- right now that  
9 I'm on first shift?

10 Q. Yes.

11 A. My easiest part of my job is -- there's nothing  
12 easy in my job. Everything is hard.

13 Q. Everything is hard?

14 A. Yes.

15 Q. Has it always been that way?

16 A. Yes. Everything is hard, yes.

17 Q. All right. We're going to start talking about  
18 this complaint and charges you have filed.

19 You charged nine charges of discrimination  
20 with the EEOC in the past two-ish years; correct?

21 A. Yes.

22 Q. And the first complaint you ever made to Epiroc  
23 occurred on March 14th of 2021; is that right?

24 A. First complaint?

25 Q. Correct.

1           A. In -- I don't recall, but it's been a lot of  
2       complaints.

3           Q. Okay. But the first one involved the July 2018  
4       picnic incident; is that correct?

5           A. Oh, yes, yes, yes.

6           Q. Okay. The incident that occurred with Jackie  
7       in July of 2018, why did it take you until March of 2021  
8       to raise that issue with Epiroc?

9           A. I was scared.

10          Q. Of ---

11          A. Jackie.

12          Q. That didn't stop you from making subsequent  
13       complaints though; right?

14          A. I was -- I have never made a complaint. I  
15       think -- I didn't -- I took -- I remember the time that  
16       I went. It was one time that Jackie was off. And I  
17       felt comfortable going to HR talk to Reagan.

18          Q. But that was in March of '21; right?

19          A. I don't know when it was. But I remember I  
20       went to talk to Reagan one time. I recall the day that  
21       I went to talk to Reagan, but I don't remember the date.

22          Q. What do you recall about it?

23          A. That I went to talk to Reagan, and I told him  
24       everything that I had been through with Jackie. And he  
25       said that Jackie was not doing what the policy says to



1 do.

2 And it was wrong. And he was going to talk  
3 to him. And he was going to try to work with me on some  
4 of this stuff.

5 Q. Okay. Do you know when Reagan stopped working  
6 at Epiroc?

7 A. No. Somehow they said he just quit. I don't  
8 remember -- but I went to -- I know I sent him an email  
9 about a complaint that I had. And I guess it was 2021  
10 when I went to the conference meeting.

11 And I sent him an email. But when I try to  
12 go back a couple of weeks later, I find out he was not  
13 there no more.

14 (Exhibit No. 7 marked.)

15 Q. (BY MS. ASHTON) I'm going to mark Exhibit 7.  
16 This is the first charge that you filed.

17 Take a look at that and let me know if  
18 everything looks true and correct to you.

19 Does it looks true and correct to you?

20 A. Yes.

21 Q. It's signed by you digitally October 22nd of  
22 2021; correct?

23 A. Yes.

24 Q. Did you go in person to submit this?

25 A. No, I didn't -- I didn't go in person.



1 Q. How did you submit the charge?

2 A. Online I think.

3 Q. Were you represented by counsel at the time?

4 A. Let me see. No, I wasn't.

5 Q. When was the --

6 A. I don't recall. I don't recall.

7 Q. Okay. When was the first time you hired  
8 counsel that you recall?

9 A. I think -- I don't recall the year, but I  
10 think -- I don't recall the year, but I wasn't -- I  
11 didn't have counsel at this time.

12 Q. The first counsel you hired, was it  
13 Ms. Ventress?

14 A. Yes.

15 Q. All right. So looking at this charge, it says  
16 on July -- excuse me -- strike that.

17 "On July 2018, I was yelled at by Jackie  
18 Gudgel, supervisor, for going to get more tickets for  
19 the company picnic. I asked for a witness to go to  
20 supervisor's office and asked to go to HR. Gudgel told  
21 me that I could only use one restroom, worry about  
22 myself, and if I go to HR, it will get worse.

23 "Since this incident, I have been  
24 constantly harassed by Gudgel. I have been denied  
25 training, pulled away from my normal job duties,

1 restricted from walking down certain aisles, and not  
2 hired for job positions. Gudgel has promoted another  
3 employee who I have trained. I asked HR what could be  
4 done, and I was asked to write a statement. Gudgel  
5 still continues to harass me."

6 Did I read that correctly?

7 A. Uh-huh.

8 Q. Is that a yes?

9 A. Yes.

10 Q. What training were you denied?

11 A. Training was the electrical training.

12 Q. And you were not an electrician; correct?

13 A. Huh-uh. No.

14 Q. You were an assembler?

15 A. Assembler.

16 Q. Okay. So the training was for electrician?

17 A. Basic electrical, to learn electrical.

18 Q. What makes you think you were denied that  
19 training?

20 A. What makes me think?

21 Q. Yeah.

22 A. Because Peter showed me the evidence.

23 Q. What is the evidence?

24 A. He sent an email to Jackie with my name, and  
25 Jackie sent an email back without my name.



1 Q. And that's the evidence that you have that you  
2 were denied the training?

3 A. I don't -- yes. That's when Peter told me that  
4 it was not him. It was Jackie, the one who that took me  
5 off the list.

6 Q. Do you have -- did you produce a copy of that  
7 email to your counsel?

8 A. No, ma'am.

9 Q. Why?

10 A. I don't have the copy. Peter showed it to me  
11 at that time. At that time I didn't -- I didn't tell  
12 him nothing. I was just -- Peter just -- because I got  
13 to work and I didn't see -- that's when Peter showed  
14 me --

15 He said, "Look, I've put your name on the  
16 list. But this is what I gave back from Jackie."

17 Q. You were unfamiliar about the availability for  
18 the training, how many spots were available; correct?

19 MS. COLE: Objection; form.

20 You may answer.

21 A. There was -- it was -- it was assemblers going  
22 there, too. You don't have to be -- there was no spot  
23 that was -- what do you mean, there --

24 Q. (BY MS. ASHTON) I'm going to object as  
25 nonresponsive.



1 My question is: How many -- you don't know  
2 how many spots were available for the training; correct?

3 MS. COLE: Objection; form.

4 You may answer.

5 A. I did not but when -- I didn't -- I didn't know  
6 but there was -- whenever I applied, there was still  
7 spots.

8 Q. (BY MS. ASHTON) How do you know that?

9 A. Because Peter told me. It was the first time.

10 Q. The training did not pertain to your job  
11 duties; right?

12 A. No, but it will help you.

13 Q. I'm going to object to everything after no.

14 A. No.

15 Q. At the time of the training Jackie was on  
16 vacation; was he not?

17 A. At the time -- no, he was -- he was there.

18 Q. Jackie was there?

19 A. He was on vacation at the time of my training  
20 when I went.

21 Q. At the time that you -- so you eventually did  
22 the electrical training?

23 A. Because Reagan told me that those classes were  
24 for everyone. And he doesn't know what -- he -- he -- I  
25 told him what happened. He said it wasn't right.

1                   So Reagan told me from now on you're not  
2 going to get to ask -- I'm going to send an email to  
3 Jackie for every training with your name on it. That's  
4 how I started going --

5           Q. I'm going to object as nonresponsive.

6                   You eventually took this basic electrical  
7 training; correct?

8           A. Yes.

9           Q. When was that?

10           A. I don't recall the date, but it was after I  
11 talked to Reagan.

12           Q. Do you remember approximately the year?

13           A. Maybe 2020 or 2019.

14           Q. Okay. Was there any other training that this  
15 charge is referring to that you believe you were denied?

16           A. He stopped other training, but I -- I can't  
17 remember.

18           Q. The charge also says "pulled away from my  
19 normal job duties."

20                   How were you pulled away from your normal  
21 job duties?

22           A. He put me from my -- the rig that I was working  
23 on, he put me off to go clean. He would take me to  
24 another department.

25           Q. Can you say that again?



1 A. He would put me off the machine to go clean or  
2 to a different department.

3 Q. And why would he do that?

4 A. Because -- I don't know. Because the people  
5 that I was working with, they were Caucasian. They  
6 didn't feel comfortable working next to me.

7 Q. It's your testimony Jackie pulled you off the  
8 rig because you were working with Caucasians who did not  
9 feel comfortable working with you?

10 A. Yes. They would tell me. People would --

11 Q. Who were the Caucasians who did not feel  
12 comfortable working with you?

13 A. Kevin and Scott.

14 Q. Kevin and Scott told you, "I don't feel  
15 working --"

16 A. They was -- they was --

17 Q. Let me finish my question.

18 Kevin and Scott told you, "I don't feel  
19 comfortable working with you"?

20 A. They would say comments.

21 Q. What comments?

22 A. Racist comments.

23 Q. Like what?

24 A. Wetbacks, and saying they had racist tattoos in  
25 their -- in their body.

1 THE REPORTER: They had what?

2 THE WITNESS: Racist ink in their body.

3 Q. (BY MS. ASHTON) Tattoos?

4 A. Yes.

5 Q. Did they call you that name directly?

6 A. They just -- they would just say it when I'm  
7 working on the machine.

8 Q. All right. I'm going to object as  
9 nonresponsive.

10 Did they --

11 A. Not to me directly.

12 Q. Is -- is it your testimony that cleaning is not  
13 part of your job duties?

14 A. It is not -- only your work area but not the  
15 shelves and the walls.

16 Q. So when Jackie pulled you off this rig to  
17 clean, what was he asking you to clean?

18 A. The shelves and another machine that I was not  
19 working on.

20 Q. The cleaning machines are part of your job  
21 duties?

22 A. Yes.

23 Q. Okay. Is there any other time that this --  
24 your charge is referring to where he pulled you away  
25 from -- from your job duties?



1 A. He would take me to the tower department.

2 Q. To do what?

3 A. Just -- just to go there and see what I can do.

4 Q. What would you do in the tower department?

5 A. I was scared because I didn't know how to use  
6 the crane in that department. It's -- you use -- you  
7 have to -- you have to get trained to use the crane in  
8 that department.

9 Q. Did you use the crane?

10 A. At one time I did, but I -- I was -- had to go  
11 ask for help. Another guy that was in another tower.

12 Q. How many times did Jackie take you to the tower  
13 department?

14 A. A couple of times.

15 Q. Out of those couple of times, you used the  
16 crane one time?

17 A. A couple of times, yes.

18 Q. But you had help using it?

19 A. I just -- I asked -- I had to ask a co-worker  
20 because I told him I didn't feel safe because I was not  
21 trained to pick that properly.

22 Q. And the co-worker helped you?

23 A. Yeah, he helped me.

24 Q. When Jackie pulled you off the rig, when you  
25 say pulled you away from your normal job duties, how

1 long were you off for?

2 A. The whole day.

3 Q. But then the next day you'd go back on?

4 A. I would go back in.

5 Q. Okay. Let me go back to the denying training.

6 For the electrical training, you check in  
7 your charge you believe you were discriminated against  
8 based on your national origin; correct?

9 A. Yes.

10 Q. What makes you think that Jackie denied you  
11 training because you are Mexican?

12 A. Why?

13 Q. Uh-huh. Yes.

14 A. Why do I think he -- he did it?

15 Q. Why did Jackie deny you training because you're  
16 Mexican?

17 A. I don't know. I just -- because I heard him --  
18 not him, but he has laughed at jokes, racist jokes.

19 Q. Any other reason?

20 A. No.

21 Q. Why do you believe Jackie pulled you away from  
22 your normal job duties because you're Mexican?

23 A. Because the co-workers didn't feel comfortable  
24 around me.

25 Q. Because the co-workers, you believe based on



1 their comments, not said directly to you, did not feel  
2 comfortable working with you.

3 A. Yes.

4 Q. Is there any other reason?

5 A. Because they would call Jackie and talk to  
6 Jackie, and then that's when Jackie would come grab me.

7 Q. Any other reason?

8 A. No.

9 Q. You then say "restricted from walking down  
10 certain aisles."

11 What does that mean?

12 A. He restricted me from walking through --  
13 through the engine and through the -- I had to work --  
14 and through -- I couldn't walk through the engine  
15 department, and I couldn't use the other restroom, one  
16 restroom.

17 Q. When Jackie pulled you off of a rig to go clean  
18 or go to the tower department, did he ever do that to  
19 any other employees?

20 A. Yes.

21 Q. Who?

22 A. Lonnie Robison.

23 Q. What's -- who's Lonnie?

24 A. Lonnie Robison.

25 Q. Is he an assembler?

1 A. He's an electrician.

2 Q. But did he report to Jackie?

3 A. At first he report to Jackie.

4 Q. And what is Lonnie's race?

5 A. African-American.

6 Q. What's his national origin?

7 A. What do you mean, like --

8 Q. Where is Lonnie from?

9 A. Texas.

10 Q. So why do you think he would also pull Lonnie  
11 off?

12 A. Lonnie told me because his -- because he was  
13 racist.

14 Q. He would pull Lonnie off, too, because he's --  
15 because Jackie is racist?

16 A. That's what Lonnie told me.

17 Q. Okay. We talked about other -- did -- did  
18 Jackie pull anyone else off of -- away from normal job  
19 duties that you're aware of?

20 A. Just -- it was just me and Lonnie that I'm  
21 aware of.

22 Q. So we talked about other Hispanic assemblers on  
23 your group when Jackie was a supervisor. Why didn't  
24 Jackie do that to them?

25 A. I wasn't -- I was -- maybe I was not around



1       them. But I remember Juan -- Fernando used to --  
2       because I used to translate to Fernando Sanchez because  
3       he didn't know English.

4                   He used to tell me that Jackie did stuff to  
5       him, but I was never like -- I only saw one time when  
6       somebody call him a wetback, and that person was with  
7       Jackie, and Jackie just laughed and kept walking.

8           Q. One time -- let me make just sure I'm  
9       understand.

10                   One time you heard a co-worker call  
11       Fernando that name?

12           A. Yeah.

13           Q. And Jackie was there?

14           A. Yes.

15           Q. And who was the co-worker?

16           A. I think it was -- I forgot her name. It was  
17       this lady. It was a lady, but I forgot her name.

18           Q. A lady who called Fernando that name?

19           A. Uh-huh.

20           Q. And is that a yes?

21           A. Yes.

22           Q. And when was that?

23           A. I think it was maybe 2019.

24           Q. Okay. And you never made any complaint about  
25       that; is that correct?

1 A. No. Because somehow he ended up getting fired.

2 Q. The person who --

3 A. Fernando, yes.

4 Q. Let me just finish my question.

5 A. Yes.

6 Q. Fernando got fired?

7 A. Uh-huh.

8 Q. When was Fernando fired?

9 A. I'm thinking 2018, '19. I don't recall, but I  
10 think it was 2019.

11 Q. Why -- do you know why Fernando was fired?

12 A. Just -- I know he had complaints about Jackie,  
13 but they told us he broke the policy. That's all.

14 Q. Do you know anyone else who was denied training  
15 other than you?

16 A. No.

17 Q. What about the other Mexican Hispanic  
18 assemblers? Do you know if any of them were denied  
19 training?

20 A. No.

21 Q. All right. We're at "restricted from walking  
22 down certain aisles."

23 And I believe you said you were -- you were  
24 restricted to go through engineering; is that correct?

25 A. No. Engine department.



1 Q. Engine department.

2 A. Uh-huh.

3 Q. You were restricted from going through there?

4 A. Yes.

5 Q. And you said you were -- engine. You were  
6 restricted from using a restroom?

7 A. Yes.

8 Q. Okay. So relative to where you usually work,  
9 where is the engine department?

10 A. The engine department is across from us.  
11 Sometimes -- it depends on what station you get that  
12 day. If you're on Station 1 to 5, you're across from  
13 it. If you're on Station 6 or 7, you're not across from  
14 it.

15 Q. And when were you restricted from going through  
16 the engine department?

17 A. Because not -- not every computer works to  
18 clock in. You have to clock in to the system. So the  
19 only system that was working was the engine department.  
20 But I couldn't follow all my co-workers like they were  
21 coming, going. I had to go through a different aisle.  
22 I had to all the way through, like I'm going to the  
23 warehouse, come back and went through the aisle, through  
24 the engineering aisle, and then go straight through the  
25 aisle.

1 I couldn't pass through where the workers  
2 were working. I had to avoid the work area and go  
3 through.

4 Q. Who gave you that instruction?

5 A. Jackie.

6 Q. Do you know why he gave you that instruction?

7 A. He -- he just said -- he didn't tell me why,  
8 but one of the co-workers told me that somebody from  
9 Power Pack thought I was stealing from him.

10 Q. Somebody from -- sorry -- what?

11 A. Some -- somebody from that department thought I  
12 was stealing from them.

13 Q. And that's why Jackie wouldn't let you go  
14 through the engine department?

15 A. Yeah. And he didn't feel -- that guy didn't  
16 feel comfortable with me walking through that area.

17 Q. And that's just something you heard from a  
18 co-worker?

19 A. Co-worker that that guy told him that he told  
20 Jackie, but Jackie never approached me the reason. He  
21 never told me the reason why.

22 Q. How many times were you restricted to go  
23 through the engine department?

24 A. For a long time. I didn't -- I never wanted --  
25 I didn't want to make Jackie upset, so I did it for a



1 long time.

2 Q. So one time Jackie told you, don't go through  
3 the engine department. And then did he ever repeat that  
4 after the one time?

5 A. No, he didn't.

6 Q. So you decided on your own because you didn't  
7 want to upset Jackie, that you weren't going to go  
8 through the engine department?

9 A. Before that he had take me to his office and  
10 told me it was going to get worse.

11 Q. All right. Let me object as nonresponsive.  
12 Jackie told you one time?

13 A. One time. Yes.

14 Q. Okay. And after that one time, you on your own  
15 decided to not go through the engine department; is that  
16 correct?

17 A. Yes.

18 Q. Okay. The colleagues that you said, the  
19 co-workers that you said, did go through the engine  
20 department, who were they?

21 A. I think Jamie, Scott, Kevin. I don't know.

22 Q. Jamie, Scott, Kevin --

23 A. And who else was it? Kevin, Scott, Jamie,  
24 Scott --

25 Q. Was Fernando allowed to go through there?

1 A. Fernando was working a different area.

2 Q. What about Luis Hernandez?

3 A. Different area, too.

4 I think it was for me -- at that time  
5 working right there, was only -- we didn't have a lot of  
6 people there because Fernando and them, they're outside  
7 in test -- they're like at the end of -- at the end of  
8 the line.

9 Q. Okay. And then you said you were restricted  
10 from using a restroom. Tell me about that.

11 A. I couldn't use the -- one of the restrooms  
12 that's by the -- the more nice-looking restroom.

13 Q. Where is that located?

14 A. It's located in -- by rubber tires.

15 Q. It's located by Robert tires?

16 A. It's another department, yes.

17 Q. It's -- oh, the restroom is in a whole  
18 different department?

19 A. It's in a different area, but you -- when  
20 you're coming in, you pass it.

21 Q. Is there a closer restroom to where you worked?

22 A. If I worked on Station 1, yes, there's one.  
23 But if I work on the other six, the other one is close.

24 Q. That -- the restroom, the nice restroom, is  
25 closer?



1 A. Yes.

2 Q. Well, what percentage of time were you working  
3 on Station 1?

4 A. Not every -- not all the time. Like let's say  
5 three days out of a week I worked there, and the next --  
6 the next two days of the week I worked on the other  
7 side.

8 Q. Okay. And other than the nice restroom, was  
9 there any other restroom that was closer to rigs two  
10 through six --

11 A. No, that was just --

12 Q. -- or Stations 2 through 6?

13 A. No, there was just the one. There's only --  
14 there's only two restrooms.

15 Q. Okay. And when you say that you were  
16 restricted from using the restroom, what did that -- how  
17 did that conversation go?

18 A. It didn't go well because it happened after the  
19 tickets. That's when he took him to the office.

20 Q. So this occurred in 2018?

21 A. Yes.

22 Q. And what did Jackie say that you couldn't use  
23 the restroom, how did he frame that?

24 A. He said, "From now on, you're not allowed to  
25 use that -- that restroom over there, or either go get

1 gloves. You're not allowed to leave your work area for  
2 anything. If you need -- if you need to use the  
3 restroom, you have to wait for me or Peter, or if you  
4 need gloves, ask Peter."

5 When I told him, is it just for me or  
6 for -- are you going to do this to everybody?

7 He said not to worry about nobody. Worry  
8 about myself.

9 Q. Okay. And for how long did you not use the  
10 nice restroom?

11 A. For a long time.

12 Q. For how long?

13 A. For a couple of months.

14 Q. Okay. And then you started using it again?

15 A. When I -- and after I went to HR and I told  
16 them.

17 He said everybody is allowed to use any  
18 restroom. This is the HR representative told me,  
19 anybody in the company is allowed to use any restroom in  
20 the plant no matter where you're at.

21 Q. Well, you went to HR for the first time in  
22 2021; correct?

23 A. Yes.

24 Q. Okay. And so --

25 A. No. I had gone a couple of times to Reagan,



1 but somehow they don't have that on record.

2 Q. So it's your testimony that you went to HR  
3 prior to March 2021?

4 A. I think I went a -- to my understanding, I did  
5 go to Reagan.

6 Because at first I told Jackie -- in that  
7 room I told Jackie, "Let's go to HR, please."

8 Because I didn't feel comfortable the way  
9 he was getting.

10 He said, "If you go to HR, it was going to  
11 get worse."

12 Q. But then you did go to HR; correct?

13 A. One other time when he was not there.

14 Q. I object as nonresponsive.

15 You did go to HR?

16 A. Yes. I did go, yes.

17 Q. Okay. And you -- it's your testimony that you  
18 went prior to March of 2021?

19 A. I think. I don't remember. But I know -- I  
20 know I did went before. It was one day that I felt  
21 brave and comfortable going to HR.

22 Q. So after that you, you started using the other  
23 restroom?

24 A. Yes.

25 Q. Okay. And what makes you believe that Jackie

1 told you not to go through the engine room and not to  
2 use that restroom because you're Mexican?

3 A. Because the engine department is -- is -- it's  
4 known to be racist.

5 Q. And the whole department is known to be racist?

6 A. Yes.

7 Q. In what way?

8 A. If you're different color, you can't even work  
9 there that -- for that long.

10 Q. Is it your testimony that only --

11 A. Yes.

12 Q. -- Caucasian Americans work in the engine  
13 department?

14 A. Yes.

15 Q. Let me finish my question.

16 Is it your testimony that only Caucasian  
17 Americans work in the engine department?

18 A. There's -- now there's -- right now there's --  
19 it's different now than before.

20 Q. Right. We're talking about --

21 A. Now.

22 Q. -- October of 2021 when you filed this charge  
23 of discrimination.

24 A. Yes.

25 Q. Who worked in the engine department?



1 A. Cole Beazley and -- I know it was Cole and  
2 another guy.

3 Q. Cole?

4 A. Because on second shift there was not that many  
5 people, but it was only Cole at that time.

6 Q. It was only Cole?

7 A. Yes, at that time it was only Cole.

8 Q. What's his last name?

9 A. I don't remember. I know -- we call him Cole,  
10 but his name is William.

11 Q. His -- his actual name is William.

12 A. William. Yes.

13 Q. And you don't know his last name?

14 A. Huh-uh.

15 Q. And what makes Cole racist?

16 A. He has said racist comments. He has said  
17 racist stuff.

18 Q. You have heard him say racist stuff?

19 A. Yes. When I say him, I heard him. And he also  
20 has -- he has gotten in arguments at work  
21 calling somebody the N-word.

22 Q. What have you heard him say?

23 A. The N-word.

24 Q. The N-word.

25 Anything else?

1 A. No.

2 Q. So what makes you think Cole is racist against  
3 Hispanic Mexicans?

4 A. Because I heard comments from him.

5 Q. Well, you said you heard him say the N-word.

6 A. The N-word, yes.

7 But he also had -- he didn't say the  
8 wetback word, but he said comments about Hispanics.

9 Q. Like what?

10 A. Like -- what do you say? Cherry pickers, and  
11 like we belong in the field.

12 Q. Who did he say that to?

13 A. To me when I was in his department.

14 Q. And who did you report that to?

15 A. At that time I didn't report it to nobody.

16 Q. When did Cole make that comment?

17 A. When I was -- whenever -- whenever I went over  
18 there, I was -- I was helping him at one part I think  
19 that they needed help.

20 Q. What year was that?

21 A. I don't recall the year. Maybe 2019, 2018.

22 Q. How do you know that Jackie knew that Cole was  
23 racist against people?

24 A. They were -- well, they would always -- they  
25 would always get together. Jackie would always spend



1 most of the time over there with them.

2 Q. But it's your personal belief that he knew; is  
3 that correct?

4 A. No, not me. Everybody. Everybody at work knew  
5 that.

6 Q. But the only reason you believe that Jackie  
7 knew that Cole was racist is because they spent a lot of  
8 time together?

9 A. Not because -- they're co-workers that have  
10 heard them talk about racist stuff.

11 Q. Any other reason?

12 A. No.

13 Q. Okay. Why do you believe Jackie told you you  
14 couldn't go to the restroom because you're Mexican  
15 Hispanic?

16 A. I don't know. But all this happened in his  
17 office when he started telling me what I -- what I was  
18 allowed to do and what I was not allowed to do.

19 Q. Did he ever tell Fernando he couldn't use that  
20 restroom?

21 A. No.

22 Q. What about Luis Martinez?

23 A. No, but --

24 Q. So then why you?

25 A. Because -- I don't know, but one time I was

1 training a Caucasian guy, his first week there he -- he  
2 make sure that I heard.

3 He told him in front of me, "You're allowed  
4 to go everywhere in this plant. You're allowed to go --  
5 walk through any aisle. You're allowed to go to any  
6 restrooms and go to the break room every time you need a  
7 break."

8 And in my mind, I'm okay, how come I don't  
9 get these privileges?

10 Q. And when did he say that?

11 A. I think after -- it was after the incident that  
12 he took me to the office.

13 Q. But was it after you started using that  
14 restroom again?

15 A. No. It was before I was -- before I was using  
16 the restroom.

17 Q. Did you tell HR that too?

18 A. No. I didn't tell HR that.

19 Q. Who was the --

20 A. I did mention it in person to -- to Reagan that  
21 I -- that's when I felt I've been discriminated,  
22 whenever I heard him telling another -- like that person  
23 that I was -- that I was working with at the time, that  
24 he was able -- he was allowed to do the things I was not  
25 allowed to do.



1 Q. Who was the Caucasian person?

2 A. It was -- it was a guy that I -- I don't  
3 know -- remember his name, but it was an electrician.

4 Q. So he didn't -- he wasn't an assembler?

5 A. He was an assembler. He's -- they called him  
6 assembler's electrician because sometimes they do  
7 assembler and electrical work.

8 Q. Did he report directly to Jackie?

9 A. Yeah. He reported to Jackie.

10 Q. How do you know he's Caucasian?

11 A. Because he introduced himself to me, and he --  
12 he told me what -- what he was.

13 Q. What do you -- what did he say to you?

14 A. He said he was -- he was born in, I don't know  
15 what state, and he said he was American.

16 He asked me what I was, and I told him my  
17 nationality.

18 Q. Is that common that you introduce yourself that  
19 way?

20 A. No. But he -- he asked me, and I told him, you  
21 know. I didn't --

22 Q. So you -- you don't remember his name though?

23 A. I don't remember his name.

24 Q. Any other reason you believe that Jackie  
25 prohibited you from going to that restroom because

1     you're Mexican?

2             A.   No.

3             Q.   Okay. All right. Then it says you were not  
4     hired for job positions. Tell me about that. Which job  
5     position?

6             A.   It was a tester at that time.

7             Q.   A tester.

8             A.   Position, yes.

9             Q.   What does a tester do?

10            A.   You test the machines, but -- you test the  
11     machines.

12            Q.   And how is that different than an assembler?

13            A.   You have to know -- you -- you work inside  
14     for -- for a couple -- for a year. First when I  
15     started, for a couple of months, six months or a year.  
16     You have to know how to build the machine and get -- get  
17     familiar with the parts, and then you -- you can apply  
18     for a tester.

19            Q.   Are you sure it wasn't a lead person role that  
20     you wanted to apply for?

21            A.   At that time it was the tester position.

22            Q.   Okay. And who is in charge of the testers?

23            A.   The testers? I don't -- I think it was our  
24     supervisor.

25            Q.   Named?



1 A. Mike.

2 Q. What's Mike's last name?

3 A. I don't know Mike's last name.

4 Q. What's Mike's national origin?

5 A. American.

6 Q. How do you know?

7 A. Because I -- I know his son. His son works  
8 there.

9 Q. What's his son's name?

10 A. What's his son's name? Brandon.

11 Q. What's -- and you don't know Brandon's last  
12 name?

13 A. No. Because he works in the warehouse, but he  
14 would come try to learn the rigs. He would come help  
15 us. He wanted -- he wanted me to train him how to build  
16 the rigs. And he would come, whenever they were slow in  
17 the warehouse, he would come so we can show them how  
18 to --

19 Q. So Mike was the supervisor over the testers?

20 A. Uh-huh.

21 Q. Is that a yes?

22 A. Yes.

23 Q. And Mike made the decision of who to hire for  
24 the tester position?

25 A. I'm -- I don't know about -- because --

1 Q. Do you know who made the decision to hire the  
2 tester?

3 A. It was both Mike and Jackie.

4 Q. How do you know that?

5 A. Because at the end he told me that Jackie  
6 didn't told him my knowledge.

7 Q. I'm sorry. At the end what is that?

8 A. After the -- at -- at the end whenever he told  
9 me he didn't hire me, it's because Jackie didn't --  
10 Jackie didn't let him know what I was capable of.

11 Q. So you interviewed with Mike?

12 A. Uh-huh.

13 Q. And then Mike said you don't get the job; is  
14 that right?

15 A. Before that, I had gone to complain about  
16 Jackie.

17 Q. Well, let me ask you this: When did you apply  
18 for the tester role?

19 A. It was -- I think it was 2020 or 2019. I don't  
20 remember.

21 Q. Okay. So this is still your testimony that you  
22 believe that you complained prior to March 2021.

23 A. Uh-huh.

24 Q. Is that a yes?

25 A. Yes.



1 Q. So then you interview with Mike, and you didn't  
2 get the position; right?

3 A. Uh-huh.

4 Q. Is that a yes?

5 A. Yes.

6 Q. And Mike told you why you didn't get the  
7 position?

8 A. Because -- yes.

9 Q. And what did Mike say?

10 A. Because I started noticing the people that got  
11 the position was the new hires that I was training.

12 Q. Who was that?

13 A. It was -- I think it was -- the lady that I  
14 don't remember her name and another guy.

15 Q. Two people got the job?

16 A. Yes. The two people that I was training.

17 Q. So you were training new hires?

18 A. Yeah, I was training new hires. They were like  
19 six months there. Yes.

20 Q. And they received the tester position?

21 A. Yes.

22 Q. And one of them was a female?

23 A. And one of them was a guy, yes.

24 Q. And the female, you don't remember her name?

25 A. I don't remember her name.

1 Q. And what about the man?

2 A. I don't remember his name either.

3 Q. What was the female's national origin?

4 A. She's American, I think. They're both  
5 American.

6 Q. How do you know that?

7 A. Because they told me they -- they were  
8 American.

9 Q. You don't remember their names, but you  
10 remember that they told that they were American --

11 A. Yeah, I think Dorothy --

12 Q. Let me finish my question.

13 You don't remember their names but you  
14 recall that they told you that they were American?

15 A. Yes. Because they didn't know Spanish. They  
16 told me.

17 Q. So somebody is American because they don't know  
18 Spanish?

19 A. No. They told me -- I know because they -- I  
20 remember now the name Dorothy.

21 Q. Dorothy was the female?

22 A. Yes. Yes.

23 Q. What about the man?

24 A. I don't remember -- I don't recall the lady --  
25 the man's name.



1 Q. Okay. Do you -- what was Dorothy's  
2 qualifications?

3 A. She -- I was showing her the tools. She didn't  
4 know how to grab tools.

5 Q. Do you know her background, her educational  
6 history, her certificates?

7 A. She never told me her background.

8 Q. What about the man? Did he ever tell you his  
9 background, his experience?

10 A. He was a welder.

11 Q. He was a what?

12 A. Welder.

13 Q. Okay. Do you know his educational history, his  
14 background?

15 A. No, I don't -- I don't know but --

16 Q. His qualifications?

17 A. No. Because they didn't even know how to read  
18 the print, because I was showing them how to read the  
19 print.

20 Q. Why do you believe you were qualified for the  
21 tester position?

22 A. Because I had -- I had -- I had already asked,  
23 and I had done what they told me to, be here, learn the  
24 machine, learn -- they had told me to learn the machine  
25 and learn the whole rig, which I had already done.

1 Q. Was the tester position a promotion? Would you  
2 have gotten more money?

3 A. Yes.

4 Q. How much more?

5 A. I think it was a dollar something more.

6 Q. Did you ever apply for a tester position again?

7 A. I didn't felt like it because that --  
8 before I -- before the tester position, before that, I  
9 felt comfortable going because my three leadmen were  
10 out.

11 Q. Because your what?

12 A. My three leadmen were absent at the end of the  
13 year. They both -- Peter Chung --

14 Q. Oh, your leadmen? Okay.

15 A. Yes. And Mark. They were out so I had to  
16 replace all three of them during the week and the  
17 weekends.

18 Q. So you were acting as leadman at the time?

19 A. As leadman, yes, at that time.

20 Q. When was that?

21 A. 2018 or 2019.

22 Q. Okay.

23 A. 2019.

24 Q. Did you apply for any other positions that you  
25 didn't get that you're referring to in this charge?



1 A. I don't know if this one is related to my  
2 leadman position.

3 Q. Okay. Well, if it is, when did you apply to be  
4 a leadman?

5 A. In, I think it's 2022 or 2021.

6 Q. Who -- was it a leadman over the second shift?

7 A. Second shift, yes.

8 Q. So who made that hiring decision?

9 A. Jackie.

10 Q. And did you apply for the role?

11 A. Yes. I applied for the role.

12 Q. Who else applied?

13 A. A couple of other people applied for the -- I  
14 only -- I was only aware that it was Chris and Jacob.

15 Q. Chris and Jacob?

16 A. Chris Hoang and Jacob, yes.

17 Q. Chris Hoang.

18 A. And Jacob.

19 Q. And Chris, he was not an assembler. What was  
20 he?

21 A. He was an assembler. Yes, he was assembler.

22 Q. Oh, he was. I don't think we mentioned him.

23 What's Chris's national origin?

24 A. I think he's -- he told me he was from Vietnam.

25 Q. And what about Jacob? What's his last name?

1 A. Jacob's -- I don't remember Jacob's --

2 Q. What was his national origin?

3 A. He's American.

4 Q. Who got the leadman position?

5 A. Chris.

6 Q. Chris Hoang did, who's from Vietnam?

7 A. Yes.

8 Q. And Jackie selected Chris?

9 A. Yes.

10 Q. Okay. And what makes you think that you did  
11 not get the tester position because you're Mexican?

12 A. Well, what makes me think?

13 Q. Yes.

14 Why do you believe that you didn't get the  
15 tester position because you're Mexican?

16 A. I think he was just getting revenge on me for  
17 going -- complaining about him.

18 Q. Any other reason?

19 A. Because -- he made sure the day before the  
20 interview, he made sure -- he stood in front of me with  
21 that supervisor from test pad, and they were both  
22 talking and looking at me.

23 So since that day, I kind of, okay, I knew  
24 I wasn't going to get it.

25 Q. Any other reason?



1 A. No.

2 Q. Why do you believe you didn't get the leadman  
3 position because you're Mexican?

4 A. Because my -- this one is a weird one because  
5 it took more than it usually takes. And it has never  
6 happened -- the leads never interview Thang Nguyen and  
7 Peter Chung interview --

8 THE REPORTER: Say that again.

9 The leads never interview....

10 A. Never interview, that -- the supervisor  
11 managers, but on this time they -- they had the leadmen,  
12 Peter Chung and Ricochet interview all three candidates  
13 again.

14 And when doing the interview, Peter Chung  
15 and Thang Nguyen, they said they were going to tell  
16 Jackie they're going to choose me from all three of  
17 them.

18 Q. (BY MS. ASHTON) So let me make sure I'm  
19 understanding.

20 You, Chris and Jacob all three applied for  
21 the leadman position?

22 A. Yes.

23 Q. And you had an interview with Peter Chung and  
24 Thang Nguyen?

25 A. First Jackie.

1 Q. Oh, first interview with Jackie.

2 A. First --

3 Q. You passed that interview; correct?

4 A. First -- this is what happened first.

5 First I was waiting for -- Jackie  
6 approached me one day and said, "You have an interview  
7 with -- with Bob Jones."

8 And I said, "With Bob Jones? What do you  
9 mean with Bob Jones?", I said.

10 "Bob Jones, yes, for a lead position."

11 Like for -- I told him, "I didn't apply for  
12 that. I applied with your -- your position."

13 He said, "Don't worry about it. Just go  
14 see Bob Jones on this date."

15 So I got interview with Bob Jones. And Bob  
16 Jones asked me if I signed up for him.

17 I said, "I didn't sign up."

18 It was -- it was after -- it was weird that  
19 Jackie told me to come interview for --

20 "What position did you apply?"

21 I said, "For Jackie's on second shift."

22 "Okay. Have you interviewed for Jackie?"

23 I said, "No."

24 "Okay," he stopped and he says, "you know  
25 what? I don't like what I'm seeing. Jackie should have



1 interviewed you first. I don't want to be involved with  
2 whatever Jackie has."

3 And that was it.

4 And then Jackie interviewed me a week  
5 later.

6 Q. So then you did interview with Jackie?

7 A. I did.

8 Q. And you passed that interview?

9 A. I passed that interview.

10 Q. And so then you interviewed with Peter and  
11 Thang Nguyen; correct?

12 A. Yes. But I never got interviewed with Matt  
13 like the other employees did.

14 Q. I'm going to get there, but I'm just going step  
15 by step.

16 A. Okay.

17 Q. You interviewed with Jackie.

18 A. Uh-huh.

19 Q. You passed that interview; correct?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. Then you interviewed with the leadmen, Peter  
24 and Thang Nguyen; correct?

25 A. Uh-huh.

1 Q. Is that a yes?

2 A. Yes.

3 Q. Was that an interview -- was it by yourself, or  
4 did you interview with them with also Chris and Jacob?

5 A. Just by myself.

6 Q. Okay. And then you never got the Matt  
7 interview; correct?

8 A. They -- they -- they asked me, "Did you get --  
9 who did you get interviewed?"

10 I told them, "I got interviewed with Jackie  
11 only."

12 I said, "Did you get interviewed with  
13 Matt?"

14 And they're like -- I was, "No." I said,  
15 "No, I've never...."

16 "Oh, okay. We're sorry. We're sorry about  
17 that, but Matt should have been -- you should have had  
18 interview with Matt, too. Like -- like the other  
19 employees, you should get the same privileges like the  
20 other people do."

21 But I told them, "I didn't. I just got  
22 interviewed with Jackie."

23 "Okay," they're like, "Okay. We're sorry.  
24 We're sorry you went through that list interview right  
25 now."



1                   So they start interviewing me and they  
2           start saying that they knew I had -- I had replaced them  
3           when they were out, and I had knowledge in -- in the  
4           production floor with all the new stuff that we've got  
5           going on, picture factory and all that --

6                   THE REPORTER: What is that last thing you  
7           said?

8                   The new stuff that we've got going on....

9           A. Yeah, the -- because we have this -- we don't  
10          look at prints no more. We look at picture factory,  
11          which is kind of like a TV version of the machine, but  
12          it's through -- it's through TV.

13                   And the other sides, they deal with prints.  
14          On our side we deal picture factory.

15                   THE REPORTER: Picture factory?

16          A. Picture factory. It's kind of like a -- it's a  
17          new thing.

18                   Because back then -- they want to make it  
19          so easy for somebody to get their -- turn on the TV, and  
20          the TV will show you every single thing they got to do.

21          Q. (BY MS. ASHTON) Let me just stop you here.

22                   So if Jackie wanted to discriminate against  
23          you because you're Mexican, why would he pass -- why  
24          would he say that you passed your first interview?

25          A. I remind him when I helped him. I kind of went

1 back, and I try to remind him the time that I cover his  
2 three leadmen.

3 And that's when he said, "Okay. I'll get  
4 back with you."

5 That's all he said. I don't know if I  
6 passed or I didn't. But I don't know if I passed or --  
7 he never said nothing.

8 And then what -- what I was -- what was  
9 weird, it took another while -- and that's when they  
10 make the decision to Peter Chung and Peter -- to  
11 interview all three of us again.

12 Q. Who -- who interviewed all three of you again?

13 A. Peter Chung and Chris -- Peter Chung and --

14 Q. What makes you think that Jackie made the  
15 decision not to hire you for the leadman position  
16 because you're Mexican?

17 A. Because Peter told me. And I think Peter told  
18 me, "Okay. We choose you."

19 They told -- Peter Chung and Ricochet told  
20 me, "We chose you. We're going to let Jackie know who  
21 we chose. We will interview all three of them. And  
22 Jacob," he said, "he has bad attitude with employees.

23 Chris doesn't know nothing on this line, so  
24 we're going to tell Jackie, you've done this job before.  
25 You qualify. And we're going to choose you."



1                   And then Peter comes back and said that  
2 Jackie told him to take me off the list and to focus  
3 only on Chris and Jacob.

4           Q. You were not part of the conversation between  
5 the leads and Jackie to decide who was hired as a  
6 leadman; correct?

7           A. I was not part of it.

8           Q. All right. You injured your finger, we've  
9 talked about this a little bit, on January 24th of 2022;  
10 correct?

11          A. January 2022. Yes.

12          Q. And generally what happened?

13          A. What happened?

14          Q. Yes.

15          A. We were doing what's called a Russian teardown.

16               THE REPORTER: A what?

17               THE WITNESS: Russian. Russian teardown.

18          Q. (BY MS. ASHTON) Like the country Russia?

19          A. Yes.

20          Q. Okay. Russian.

21          A. Russian teardown, that's what they call it.

22                   And in that time it was -- it was -- we  
23 were outside in the bay.

24               THE REPORTER: We were what?

25          A. Outside in the bay area, outside in the bay, in

1 the canopy.

2 And it was -- that day it was -- it was  
3 drizzling a lot and foggy. And in order for us to  
4 start, the first thing we do is we have to balance the  
5 tracks. The tracks is the first thing that comes off.

6 So we have to balance one to level the  
7 yoke, because if we don't balance it, if we take one off  
8 without balancing the yoke, when we take one track off,  
9 the other track is just going to fall on the floor. So  
10 we always put a block of wood on it.

11 And when I was putting a block of wood that  
12 we always put, it was -- it was still a gap. It was --  
13 it was still a gap in there. So I grab a two by four,  
14 and I decided to push it with the rawhide. But somehow  
15 when I push -- tried to push it with the rawhide, I  
16 ended up hitting my --

17 THE REPORTER: Push it with a what?

18 THE WITNESS: Rawhide, with a hammer.

19 THE REPORTER: Rawhide.

20 A. Because I didn't want to stick my -- my finger  
21 in it?

22 Q. (BY MS. ASHTON) Is that like a hammer?

23 A. It's a hammer, yes.

24 So -- and then -- but I was holding the  
25 wood at the same time, but somehow I hit my -- I ended



1 up hitting my index finger.

2 Q. And when you hit your finger, what did you do  
3 immediately after?

4 A. I stopped because I felt it was -- I felt  
5 something.

6 And then Miss Glenda was witnessed -- Miss  
7 Glenda was right --

8 THE REPORTER: Who? Glenda?

9 THE WITNESS: Glenda Randall.

10 MS. ASHTON: G-L-E-N-D-A.

11 A. Because I was training them how to do a  
12 teardown at that time, too.

13 So I noticed -- I felt pain. So I took  
14 off -- when I took off the glove, I panicked.

15 And I told Peter -- I raised my hand. I  
16 told Miss Glenda, and I told Peter, "I need to go find  
17 Jackie."

18 So I left and I went to look for Jackie.  
19 And that's when I showed Jackie my finger.

20 Q. (BY MS. ASHTON) And he took you to the ER?

21 A. He took me to -- they took me to -- he took me  
22 to Occumed but --

23 Q. Occumed.

24 A. Occumed, yes.

25 But Occumed was trying to poke me. They

1 were poking it, but it was hurting so much. They were  
2 poking through the bottom to push the nail up. But it  
3 was hurting so much.

4 And so they, "Why are you in so much pain?"

5 And like, I don't know.

6 So when they did the X-ray, they found out  
7 they were touching my bone when they were -- when they  
8 were trying to push my nail up. And that's why I was in  
9 so much pain.

10 So they -- they told me to leave it alone.  
11 And I ended up going to the ER. And the ER said I  
12 needed to go see a specialist and take time off. Take  
13 time off. To take time off, two weeks off. They gave  
14 me a paper.

15 Q. Okay. Let me stop you here.

16 A. Okay.

17 Q. So is Occumed on the premises?

18 A. No, it's not on the premises.

19 Q. Where is it?

20 A. It's -- it's like a couple of miles down from  
21 our place.

22 Q. So did Jackie drive you to Occumed?

23 A. He drove me to Occumed.

24 Q. And he drove you to the ER after Occumed?

25 A. Yes.



1 Q. Okay. Do you recall who you saw at Occumed,  
2 which doctor it was?

3 A. It wasn't -- it was not doctors. It was  
4 nurses, I think at that time.

5 Q. Okay.

6 A. It was late at night.

7 (Exhibit No. 8 marked.)

8 Q. (BY MS. ASHTON) Okay. I'm going to hand you  
9 Exhibit 8. This is called "First Report of Incident."  
10 Have you seen this before?

11 A. (No response.)

12 Q. Is this your signature on the second page of  
13 this document?

14 A. Oh, yes, it is.

15 Q. It is. Okay.

16 MS. ASHTON: Do we want to stop here for  
17 lunch, or do you want to go a little bit more?

18 THE WITNESS: It's up to you.

19 MS. COLE: I mean, I've been thinking we'd  
20 go to 12:30, but I'm fine with whatever.

21 MS. ASHTON: Okay. I think this is a good  
22 time if that works.

23 (Recess taken from 12:11 until 1:10.)

24 THE VIDEOGRAPHER: We're off the record at  
25 12:11 PM.

1 (Recess taken from 12:11 until 1:10.)

2 THE VIDEOGRAPHER: We are back on the  
3 record at 1:10 PM. Media 3.

4 Q. (BY MS. ASHTON) Mr. Reyna, you understand you  
5 are still under oath?

6 A. Yes, ma'am.

7 Q. Before our lunch break, we were talking about  
8 your finger injury, and you went to Occumed and then to  
9 the ER; correct?

10 A. Uh-huh.

11 Q. Is that a yes?

12 A. Yes.

13 Q. And then you returned back to work a couple of  
14 days later. Is that what you recall?

15 A. No. The same -- the next day I had to go back  
16 to work.

17 Q. Okay.

18 A. I was forced to go back to work, because I  
19 talked to Gina on the phone. And I told Gina we ended  
20 up in the ER. But she was upset that we ended up in the  
21 ER.

22 And I told them the ER gave me two weeks  
23 off, and I needed to see a specialist.

24 And she said I couldn't do that.

25 Q. Who's Gina?



1 A. Gina Casarez is the safety manager.

2 Q. What's her last name?

3 A. Gina Casarez.

4 Q. Castalez?

5 A. Casarez. Casarez.

6 Q. Casarez.

7 A. Yes.

8 Q. And she is the safety manager?

9 A. Manager. Uh-huh.

10 Q. Do you know her national origin?

11 A. She's -- it's because at work they make us say  
12 where we're from, sometimes in groups. I think she's  
13 Hispanic.

14 Q. Okay. From where? Do you know?

15 A. I don't know.

16 (Exhibit No. 9 marked.)

17 Q. (BY MS. ASHTON) I'm going to mark Exhibit 9.

18 So what I am presenting to you as Exhibit 9  
19 are all of the Texas workers' comp work status reports  
20 relating to your injury.

21 So the top one here -- I'm looking at the  
22 very bottom, the bottom.

23 And is that your signature there on the  
24 bottom?

25 A. Yes.

1 Q. Okay. And to the left of your signature it  
2 says "date/time of visit."

3 Do you see that?

4 A. Yes.

5 Q. All right. So this top one is 11:45 PM from  
6 the time of your visit; correct?

7 A. Where?

8 Q. 11:45 PM.

9 A. Okay. Yes. Yes.

10 Q. Okay. And then the very top right-hand corner  
11 right here, it says January 24, 2022; right?

12 A. Uh-huh.

13 Q. Can you verbally say yes?

14 A. Yes.

15 Q. Okay.

16 A. I was about to burp.

17 Q. That's okay.

18 This is the initial workers' comp status  
19 report that you received immediately following your  
20 injury; correct?

21 A. That -- on the 24th?

22 Q. Correct.

23 A. Yes.

24 Q. And the 24th was the date of your injury;  
25 right?



1           A. Uh-huh. But I think they got it wrong here.  
2       It says 1-21.

3           Q. Right. Okay.

4                       But you actually injured your finger on  
5       1-24?

6           A. On the 24th, yes. 1-24.

7           Q. And you received this worker -- worker status  
8       report on 1-24; right?

9           A. This? I think so, yes.

10          Q. Okay. And do you see where it says "doctor's  
11       name and degree"?

12          A. Kerry --

13          Q. Inzer?

14          A. Yes. Kerry Inzer. Yes.

15                       MS. ASHTON: It's K-E-R-R-Y, I-N-Z-E-R,  
16       Inzer.

17          Q. (BY MS. ASHTON) And immediately under Kerry  
18       Inzer, it says Occumed Plus; right?

19          A. Yes.

20          Q. So you went -- this is from when you went to  
21       the Occumed facility?

22          A. Uh-huh.

23          Q. Is that a yes?

24          A. Yes.

25          Q. Okay. And it says -- Part II is work status

1 information.

2 Do you see that? Part II right here.

3 A. Yes.

4 Q. Okay. And it's -- the box for (b) is checked.

5 "Will allow the employee to return to work as of 1-25-22  
6 with the restrictions identified in Part III." Correct?

7 A. Uh-huh.

8 Q. Is that a yes?

9 A. Yes.

10 Q. Okay. And then Part III, the restrictions  
11 include for your left hand "may not carry heavy objects  
12 with left hand." Right?

13 A. Yes.

14 Q. Okay. Then the second page of this exhibit, if  
15 you can flip the page, at the top right corner it says,  
16 this is January 25, 2022. That's the next day; right?

17 A. Yes. The next day.

18 Q. Okay. And then this is also Dr. Inzer;  
19 correct?

20 A. Uh-huh.

21 Q. Is that a yes?

22 A. Yes.

23 Q. And then Part II, work status, Part B says  
24 "will allow the employee work to return to work as of  
25 1-25-22 with the restrictions identified in Part III,



1 which are expected to last through February 1, 2022."

2 Correct?

3 A. Correct. Yes.

4 Q. All right. And then in Part III the  
5 restrictions are, "Fit for duty with the following  
6 restrictions: Starting that day 1-25-22. No use of  
7 left hand." Correct?

8 A. Correct.

9 Q. Okay. And that's your signature at the bottom?

10 A. Uh-huh.

11 Q. Is that a yes?

12 A. Yes.

13 Q. All right. And I'm going to --

14 We're going to keep this exhibit -- what is  
15 this marked? This is -- we're going to keep Exhibit 11,  
16 because I'm going to refer back to it because I just  
17 included all of the status reports together.

18 But I'm also going to show you Exhibit 12,  
19 and this is a letter you sent from the Methodist ER to  
20 Epiroc; correct?

21 A. Correct.

22 Q. Okay. And it's dated January 25th of 2022;  
23 right?

24 A. Uh-huh.

25 Q. Is that a yes?

1 A. Yes.

2 Q. And it says, "Edgar Reyna was seen and treated  
3 in our emergency department on 1-25-22. He may return  
4 to work on 1-31-22." Correct?

5 A. Uh-huh.

6 Q. Yes?

7 A. Yes.

8 Q. And then it says, "Additional information: If  
9 cleared by hand specialist." Right?

10 A. Yes.

11 Q. Okay. And so according to both of these  
12 doctors' notes, you were cleared to return to work, one  
13 said if cleared by hand specialist, and then Dr. Inzer  
14 said you couldn't use your left hand. Right?

15 A. Uh-huh.

16 Q. Is that a yes?

17 A. Yes.

18 Q. Okay. So when you said Gina Casarez, you told  
19 her that you couldn't work for two weeks.

20 Where were you getting that from?

21 A. They don't have the other paper from the ER  
22 that says -- them saying -- that's what he says right  
23 here, "Additional information: If cleared by the hand  
24 specialist."

25 They refer me to a hand specialist the next



1 day.

2 Q. Okay. And who was that?

3 A. The ER. The ER.

4 Q. The hand specialist?

5 A. The ER referred me to a hand specialist.

6 Q. My question is: Who is the hand specialist?

7 A. I never got a chance to see a hand specialist.

8 Q. Okay. Hold on. My question is, the ER, you  
9 said they referred you to a hand specialist.

10 A. Uh-huh.

11 Q. Who was the ER -- who was the hand specialist  
12 the ER referred you to?

13 A. I don't remember the -- I sent the paper to --  
14 to work. They have all the papers even including this.

15 Q. Right. Because you produced this; right?

16 A. Yes.

17 Q. Okay. And so your -- it's your testimony that  
18 you provided to the company the name of the hand  
19 specialist you were supposed to see?

20 A. Whatever they're saying to me at the hospital,  
21 I provided to the company.

22 Q. Did you make an appointment with the hand  
23 specialist?

24 A. I didn't get a chance, because the next day in  
25 the morning, that's when I called Gina. And Gina told

1 me to avoid that. I couldn't do that. I had to go to  
2 their doctor, not -- not -- I couldn't see a specialist  
3 unless Occumed refers me to.

4 Q. So it's your testimony that Gina Casarez told  
5 you not to go to the hand specialist?

6 A. Yes.

7 Q. Why would she do that?

8 A. Because she said it was against the policy,  
9 company policy. I'm also going to be the one paying  
10 everything.

11 Q. Okay. And so she wanted you to go to Occumed?

12 A. Occumed, and let Occumed decide if I need a  
13 specialist or I didn't.

14 Q. Okay. And did you do that?

15 A. I went to Occumed.

16 Q. Is that what we're looking at on this  
17 Exhibit 11?

18 A. On the 26th? On the 26th, yes.

19 Q. This is the 25th.

20 A. On the 25th, yes. The next day, yes.

21 Q. Okay. So then you went here. And Dr. Inzer  
22 said you cannot use your left hand; correct?

23 A. And I couldn't see a specialist. I asked if I  
24 can see a specialist, and she said no.

25 Q. I'm going to object as nonresponsive.



1                   It says on this form "no use of left hand";  
2       correct?

3           A.   No use of left hand.   Yes.

4           Q.   Okay.   Nowhere on this form does it say you're  
5       not allowed to see a specialist; right?

6           A.   Right.

7           Q.   Okay.   So then when did you return to work?

8           A.   Same day.   He said -- I told him -- he said,  
9       just take the -- he just told me to take the medicines  
10      they gave me at the hospital.

11                   But I told him one of them is just going to  
12      make me drowsy.   That's why I wanted to stay home.  
13      Because Tylenol codeine 3 will make me drowsy, they told  
14      me at the ER.

15                   And I went.   He said, "Don't worry about  
16      it.   Just go to work and take the meds at work."

17                   So I went to work.

18           Q.   And you went to work and you did not use your  
19      left hand; correct?

20           A.   I did not use my left hand.

21           Q.   All right.   And did you speak to Epiroc and  
22      Jackie about your limitations?

23           A.   I gave it to Jackie, yes.

24           Q.   You gave what to Jackie?

25           A.   The restriction, this form they gave me.

1 Q. You gave the form that we're looking here at  
2 Exhibit 11 to Jackie?

3 A. To Jackie. Yes.

4 Q. Did you give it to anybody else?

5 A. Not that I remember.

6 Q. At this time who was the HR person? Do you  
7 recall?

8 A. I think it was Tanya.

9 Q. Okay. Tanya Tyler?

10 A. Tanya Tyler.

11 THE REPORTER: Excuse me?

12 MS. ASHTON: Tanya Tyler.

13 THE WITNESS: Tanya Tyler. Tyler.

14 MS. ASHTON: T-A-N-Y-A, T-Y-L-E-R.

15 Q. (BY MS. ASHTON) So you mentioned that the ER  
16 referred you to a hand specialist. You don't recall the  
17 name of that specialist.

18 At any other time did you make efforts to  
19 see a hand specialist?

20 A. When I was getting scared about my finger, I  
21 did go see a hand specialist. And she was -- she told  
22 me that it sounded like I was being tortured because you  
23 don't poke nobody's finger without it being numb and  
24 injecting -- you have to put antibiotics, especially the  
25 way my finger was.



1 Q. Who was this hand specialist?

2 A. She's in McKinney, I think.

3 Q. What's her name?

4 A. I don't know her name.

5 Q. What's the clinic's name?

6 A. Finger injuries, finger something.

7 Q. Have you provided that information to your  
8 attorney?

9 A. No. I think I have -- yes, I think I have.

10 Q. Okay. If you have not, will you agree to  
11 provide that information?

12 A. I will agree to provide it, yes.

13 Q. Other than this hand specialist in McKinney,  
14 have you seen any other hand specialists?

15 A. Yes. After we did the transfer of  
16 the switching doctors.

17 Q. Transfer of switching doctors?

18 A. Yes. Whenever I didn't see the company doctor  
19 no more, and I saw a different doctor.

20 Q. Who is that?

21 A. The doctor that was giving me therapy on my  
22 finger, he referred me to that specialist I mentioned  
23 earlier in Dallas, yes.

24 Q. Okay. Okay. Okay. Are those all of the hand  
25 specialists that you've seen?

1 A. Yes.

2 Q. Okay. The hand specialist that you saw in  
3 McKinney, how long did you see them?

4 A. It was just one day because I was afraid, you  
5 know, about my -- the way my finger was looking and I  
6 was --

7 Q. Do you recall when that was?

8 A. I think it was the week after, I think. I  
9 don't -- I'm not --

10 Q. The week after the injury?

11 A. Yes. The week -- yes, I think so.

12 Q. Okay. All right. And Epiroc allowed you not  
13 to use your left hand; correct?

14 A. Yes.

15 Q. All right. And you -- by them allowing you to  
16 do that, they placed you on light duty; right?

17 A. Yes.

18 Q. And this duty -- light duty was focused on  
19 training; is that correct?

20 A. Yes.

21 Q. Okay. And you returned to Occumed several  
22 times to follow up; right?

23 A. Uh-huh. Follow up.

24 Q. Okay. Also I'll refer back to this Exhibit 11.  
25 You went basically once a month; is that



1 right?

2 A. Something like that, yes.

3 Q. Oh, that's 9. My bad. I keep calling it 11,  
4 but it's Exhibit 9. Thank you.

5 So if you go back to Exhibit 9, it's the  
6 third page. And it says at the bottom -- it's the one  
7 that's dated 2-2-22, February 2nd of '22.

8 Do you see that? At the bottom right here.

9 A. Okay. Yes. Yes.

10 Q. Is that your signature to the right of that  
11 date?

12 A. Yes.

13 Q. Okay. And, again, this is Dr. Inzer; correct?

14 A. Uh-huh.

15 Q. Is that a yes?

16 A. Yes.

17 Q. All right. And then it -- again, it just  
18 repeats no use of left hand; right?

19 A. Yes.

20 Q. Okay. So after this Occumed appointment that  
21 we're talking about here, you asked Jackie to take the  
22 rest of the week off; correct?

23 A. It was the same day on the 25th. On the 25th I  
24 asked him, I didn't feel right being at work, taking my  
25 meds. I feel -- I'm going to feel dizzy, and I'm afraid

1 I'm going to get hurt, fall and get hurt.

2 And if you leave, you get points, so I have  
3 to use my vacation so I can leave.

4 Q. Were you allowed to leave?

5 A. Yes.

6 Q. Okay. But also on February 2 you also asked to  
7 take time off; correct?

8 A. I don't recall if I -- if I --

9 Q. If you -- if you asked to take time off, did  
10 Epiroc give you the time off?

11 A. To -- yes. For the injury, yes. Yes.

12 Q. Okay. And Epiroc offered -- while you were on  
13 this light duty, Epiroc offered you to participate in  
14 several trainings but you declined; correct?

15 A. Not that I recall.

16 Q. Do you recall declining any training?

17 A. I was already mentoring when -- before I got  
18 hurt so I continued mentoring.

19 Q. Okay. Well, objection; nonresponsive.

20 Do you recall declining training?

21 A. No.

22 Q. I'm not talking about mentoring. Just the  
23 training for you to take personally.

24 A. That they gave me training?

25 Q. Correct. They offered you training and you



1 declined?

2 A. On light duty, when I was on light duty?

3 Q. Correct.

4 A. I don't recall.

5 Q. Okay. What about training on Lean Principles?

6 Did you ever do that training?

7 A. They gave me some training through Reagan.

8 Reagan was the one for the training.

9 Q. Through Reagan?

10 A. Yes. Ever since I took him my complaints, he  
11 was going to be the one in charge of putting my name on  
12 the list, the way that Jackie don't made the decision  
13 who goes and who doesn't go.

14 Q. So you were able at that time to take the  
15 training that you wanted to take?

16 A. Through Reagan, yes.

17 Q. Okay. But as of that time in 2019, I believe  
18 you said you were able to do the trainings you wanted to  
19 take; is that correct?

20 A. I don't recall, ma'am.

21 Q. Well, you said you went to Reagan before your  
22 original complaint in March of 2021, you believed it was  
23 in 2019; correct?

24 A. I think -- I don't remember, recall the exact  
25 date because I used to go in person, and in person when

1 I talked to Tanya, they said she wasn't aware of it. So  
2 I don't know which one did Reagan before.

3 Q. But after you spoke to Reagan, you had no  
4 issues with training?

5 A. Yes. I didn't have no issues with training.

6 (Exhibit No. 10 marked.)

7 Q. (BY MS. ASHTON) Okay. This is Exhibit 10.

8 If this is the right one -- mine it is all  
9 missed up. What does yours say? No. That's the right  
10 one.

11 Here it is. Here it is. Here you go.  
12 Exhibit 10. All right.

13 So the second page of Exhibit 10, if you'll  
14 flip the page right here. You can flip it. The first  
15 email is an email from Jackie Gudgel to Peter Chung.

16 Do you see that?

17 A. Jackie -- from Jackie to Peter. Okay. Yes.

18 Q. Right. Do you see that?

19 A. Uh-huh.

20 Q. And it's dated April 11th of 2022; correct?

21 A. Uh-huh.

22 Q. And this was the time when you were on light  
23 duty; right?

24 A. Yes.

25 Q. Okay. And it says, "Peter, would you ask Edgar



1 if he might like the Lean Principles Training tomorrow,  
2 please."

3 Did I read that correctly?

4 A. Yes.

5 Q. Okay. And the next email chain, Peter -- it's  
6 on this page -- Peter responds and says, "Hi, Jackie.  
7 He says no."

8 Did I read that correctly?

9 A. Yes.

10 Q. Okay. Do you recall this situation?

11 A. I don't recall it. But there was sometimes,  
12 yes, maybe -- well, that was when I was on light duty.

13 Q. Why would you decline a training?

14 A. Why did I decline a training?

15 Q. Yes.

16 A. Because I think I had learned -- to my  
17 understanding, I thought I had already taken the Lean  
18 Principles training.

19 Q. So you declined it because you thought you had  
20 already taken it?

21 A. I already had training.

22 Q. And they didn't tell you no, you didn't.

23 Why --

24 A. They didn't say no.

25 I asked Peter, "Have I taken it?"

1                   Because in some of the trainings we  
2       duplicate them.

3           Q.   Okay. But if they were asking you to take a  
4       training, do you think that they wanted you to take the  
5       training?

6           A.   Yes.

7           Q.   So you still declined it anyway?

8           A.   Uh-huh.

9           Q.   Is that a yes?

10          A.   Yes.

11          Q.   Going back to Exhibit 9, this one with the  
12       status report, I'm --

13          A.   Which one?

14          Q.   Sorry. This one right here.

15                   Flipping to the April status report,  
16       April 5, 2022.

17                   So I think you're going to flip two more  
18       pages, where at the bottom it says April 5, 2022. I  
19       think it's this one.

20          A.   Okay. April 5.

21          Q.   Oh, yeah, perfect.

22                   So this one -- it's also Kerry Inzer;  
23       correct?

24          A.   Uh-huh.

25                   THE REPORTER: It's also....



1 MS. ASHTON: Kerry Inzer, I-N-Z-E-R.

2 Q. (BY MS. ASHTON) And under second section,  
3 "work status information," the first box is checked.

4 And it says "...will allow the employee to  
5 return to work as of April 5, 2022, without  
6 restrictions."

7 Did I read that correctly?

8 A. Uh-huh. Yes.

9 Q. So as of this date you were released back to  
10 work with no restrictions; right?

11 A. Yes.

12 Q. Okay. And this was the time where you  
13 complained that Dr. Inzer was rude to you?

14 A. Yes.

15 Q. And what do you -- why do you think Dr. Inzer  
16 was rude to you?

17 A. The day before this, Jackie -- Jackie wanted me  
18 to go full duty at work.

19 And Peter told him I was still on light  
20 duty. So the next day I -- I get an appointment to see  
21 the doctor, and the doctor releases me.

22 But he checked my -- he just -- he checked  
23 whatever I had on my finger. And he started being  
24 aggressive.

25 And he just said I didn't -- I didn't need

1 it no more, just to go back to work.

2 And I let know the people in front about  
3 it. And they said that -- they apologized for his --  
4 his behavior. They were going to let the upper people  
5 know.

6 So I didn't -- I sent an email to Madison  
7 about it.

8 Q. Right.

9 So you said Jackie, the day before, wanted  
10 you to go back to full duty.

11 A. Yes.

12 Q. How do you know that?

13 A. Because he -- Peter told me.

14 Q. Jackie never told you?

15 A. No. He would send Peter.

16 Q. Okay. So what exactly did Peter tell you that  
17 Jackie said?

18 A. Peter said that Jackie told him that he wanted  
19 me to be working. He wanted to see me working, see  
20 something -- to me work to be doing something.

21 But Peter said he told him to hold on until  
22 they released me from light duty because he doesn't want  
23 him -- for me to get hurt again.

24 Q. Okay. So you have no knowledge of whether  
25 Jackie talked to Dr. Inzer; do you?



1 A. I don't have knowledge.

2 Q. Okay. So when Dr. Inzer was rude to you, do  
3 you think he was intending to discriminate against you?

4 A. I was -- I was -- it was unexpected. I would  
5 appreciate if he would said, you know, in a different  
6 tone, let me see, instead of just going in there and  
7 jerking it.

8 Q. In the prior visits with Dr. Inzer, how did he  
9 behave with you?

10 A. He would just -- told me to keep taking the  
11 medicines. And I would keep asking for -- for  
12 specialist, but he would say it was up to him, not up to  
13 me.

14 Q. Was it -- was he nice towards you?

15 A. Not nice, but he just -- nothing that I wanted,  
16 he -- everything I asked was a no. A no.

17 Q. Okay. But this is the first time you've -- you  
18 complained about Dr. Inzer?

19 A. Yes. It was the first time I complained. Yes.

20 Q. Okay. And after you complained to Madison  
21 about Dr. Inzer, they -- Epiroc offered for you to see a  
22 different Occumed doctor; correct?

23 A. I think they were asking for a different  
24 doctor, right.

25 Q. And you declined; right?

1 A. They were in the process of switching doctors.

2 Q. Okay. Objection; nonresponsive.

3 A. Okay. Yes. I told him -- I told him I was  
4 during the process -- yes, I did decline it.

5 Q. You did decline seeing another Occumed doctor;  
6 correct?

7 THE REPORTER: You're going too fast.

8 THE WITNESS: Yes.

9 THE REPORTER: Okay. Could you repeat it,  
10 please.

11 Q. (BY MS. ASHTON) Epiroc offered for you to see  
12 a different Occumed doctor but you declined; correct?

13 A. Uh-huh.

14 Q. Is that a yes?

15 A. Yes.

16 Q. Why did you decline?

17 A. Because my other attorney told me that I  
18 couldn't see another doctor because my paperwork was in  
19 process switching doctors, my -- my attorney that I had  
20 with my workers' comp.

21 Q. Who is that?

22 A. I forgot -- her name was -- let me see what her  
23 name was. I have to remember her name.

24 Q. Did you retain her personally?

25 A. Yes, I did.



1 Q. How -- okay. So you -- at this time you were  
2 represented by an attorney?

3 A. For the injury, yes.

4 Q. What do you mean "for the injury"?

5 A. For my finger injury was a workers -- work comp  
6 injury.

7 Q. Does that attorney still represent you?

8 A. No.

9 Q. When did you end that --

10 A. We went to -- we went to -- we went to --

11 Q. Mediation?

12 A. Yes. I think, with workers' comp.

13 MS. COLE: I think it was the final thing  
14 where the workers' comp system --

15 MS. ASHTON: The appeal?

16 MS. COLE: No. Where they -- where they  
17 give you your rating, your disability rating.

18 MS. ASHTON: Oh, okay.

19 MS. COLE: I think maybe.

20 THE WITNESS: Yeah, that was it. Yeah.

21 Q. (BY MS. ASHTON) Okay. And you were  
22 represented by counsel at that time?

23 A. Yes, I was.

24 Q. And then after that, she no longer represented  
25 you?

1 A. Yes. She no longer represented me.

2 Q. What was the outcome --

3 THE REPORTER: Okay. Repeat it.

4 After that she no longer represented  
5 you....

6 THE WITNESS: No. She no longer -- she no  
7 longer represented me.

8 Q. (BY MS. ASHTON) What was the outcome of that  
9 hearing or meeting that you -- the workers' comp --

10 A. They just gave me the -- one rating with  
11 permanent disability.

12 Q. The one percent?

13 A. One percent with permanent disability.

14 Q. Okay. So Epiroc -- okay. Strike that.

15 Epiroc then offered for you to see a doctor  
16 of your own choosing; correct?

17 A. I don't recall. Because Madison would stop me  
18 on the hallway in front of everybody --

19 THE REPORTER: Repeat it.

20 THE WITNESS: I don't recall.

21 THE REPORTER: But you said more.

22 A. Madison would stop me in front of everybody  
23 sometimes and ask me, and I -- and I was advised by my  
24 other attorney not to go because if I go, I was going to  
25 mess up the paperwork on switching doctors through



1 the -- through the state. They were switching doctors  
2 through the state.

3 Q. (BY MS. ASHTON) But you declined that, too;  
4 correct?

5 A. I didn't -- I couldn't -- I didn't know what to  
6 do. That's why I called the attorney.

7 She said, "You can't go see no doctors  
8 right now. There's a process you got to follow."

9 Q. Okay. You didn't tell that to Epiroc, correct,  
10 about what your attorney --

11 A. They -- yes.

12 Q. Let me finish. Let me just finish.

13 You did not tell Epiroc what your attorney  
14 advised you to do?

15 A. I did send an email to Madison.

16 Q. Objection; nonresponsive.

17 THE REPORTER: You're going way too fast.

18 MS. ASHTON: He said he did send an email  
19 to Madison.

20 THE REPORTER: Well, I need to hear it from  
21 him.

22 "You did not tell Epiroc what your attorney  
23 advised you to say; right?"

24 A. I did send them an email.

25 Q. (BY MS. ASHTON) And I'll object as

1 nonresponsive.

2 You did not tell Epiroc that the reason you  
3 were declining to see another Occumed doctor and to see  
4 a doctor of your own choosing was because your attorney  
5 advised you not to; correct?

6 A. I did let them know.

7 Q. You let them know that it was your attorney,  
8 that's why?

9 A. Yes. Yes, that there was -- there was -- there  
10 was rules -- there was procedures that needed to be  
11 followed. I sent Madison an email.

12 Q. Have you provided that email to your attorney?

13 A. Yes, I have.

14 Q. After Dr. Inzer released you to return to work  
15 at full duty with no restrictions effective April 5,  
16 2022, you had a meeting with Tanya Tyler and Matt  
17 Buttacavoli; correct?

18 A. The day after?

19 Q. Around that time.

20 A. Around -- yes, around that time.

21 Q. And during that meeting, you told them that you  
22 could return back to work as an assembler; correct?

23 A. They didn't give me a choice.

24 Q. Objection; nonresponsive.

25 In the meeting with Tanya and Matt you told



1       them that you could work as an assembler; correct?

2           A.   Yes.

3           Q.   They told you during that meeting to come to  
4       them if you ever needed an accommodation; right?

5           A.   I don't recall.

6           Q.   They also asked you about details of prior  
7       complaints that you made about Jackie; right?

8           A.   The thing is they would take me to HR for my  
9       injury, and then they would change it to a different  
10      thing.

11          Q.   Objection; nonresponsive.

12                   During your conversation with Matt and  
13      Tanya -- and Tanya is in HR, by the way; correct?

14          A.   Yes.

15          Q.   Okay. She -- they would ask you about details  
16      of your complaint; right?

17          A.   Uh-huh.

18          Q.   Is that a yes?

19          A.   Yes.

20          Q.   And you would refuse to provide information  
21      about your complaint; correct?

22          A.   I would never refuse. I would tell them they  
23      have it in emails.

24                   THE REPORTER: I would never....

25                   THE WITNESS: I never refused.

1 Q. (BY MS. ASHTON) It's your testimony today  
2 under oath that you never refused when they asked you to  
3 provide details about your complaint?

4 A. I remember telling them, you guys have all the  
5 emails. All my -- all my -- all my complaints are in  
6 emails. Everything is in email. You guys can go over  
7 the emails and read them.

8 Q. You don't recall telling them that you don't  
9 want to tell -- talk about names or events -- let me  
10 finish -- because you felt scared of retaliation?

11 A. I did tell them.

12 Q. You did tell them that?

13 A. Uh-huh. I told them that my -- my witnesses  
14 were afraid to come in because of what's going on with  
15 me. And I did not -- didn't want them to get retaliated  
16 because of me. And the only thing that I come -- I've  
17 been coming to HR for so many years, the only thing that  
18 I get is retaliation. That's why I was afraid.

19 Q. Okay. So let me just make sure I'm  
20 understanding.

21 During the conversation with Matt and  
22 Tanya, when they asked you to provide information  
23 relating to your complaint, you refused to provide  
24 details regarding the who and the when and the where  
25 regarding your complaint; correct?



1 A. I didn't refuse. I told them everything is on  
2 paperwork, and the reason why I was afraid for  
3 retaliation.

4 Q. But you did not provide details about who was  
5 involved; right?

6 A. Yes. And sometimes -- I've been so many --  
7 I've been so many times to HR -- I forgot -- I've been  
8 so many times to HR, and the times I said the names, but  
9 I can't recall when I did and when I did not say the  
10 names.

11 Q. There were times when you did not?

12 A. There's times when I did not.

13 Q. All right. Epiroc investigated the issue  
14 involving Dr. Inzer; is that right?

15 A. Yes.

16 Q. All right. And Jackie told you that you could  
17 get the splint back on your finger; correct?

18 A. Yes.

19 Q. Okay. Epiroc provided you with ADA  
20 accommodation forms; correct?

21 A. I don't recall.

22 Q. At all times Epiroc accommodated your  
23 restrictions; correct?

24 A. Correct.

25 (Exhibit No. 11 marked.)

1 Q. (BY MS. ASHTON) I hand that to you.

2 I'm going to mark this as Exhibit 11.

3 A. I have a question. The time that you said that  
4 I -- they -- they come in to HR, right, Madison -- to  
5 Tanya and -- was the reason why --

6 (Exhibit No. 13 marked.)

7 Q. (BY MS. ASHTON) We're about to talk about that  
8 meeting in this exhibit.

9 A. All right.

10 Q. Okay. So this is Exhibit 12, I think.

11 MS. COLE: This would be 13 because --

12 MS. ASHTON: I skipped an exhibit?

13 MS. COLE: No. Like we did 12 first and  
14 then we went back. So this would be 13.

15 MS. ASHTON: 13?

16 MS. COLE: Did you already mark it?

17 MS. ASHTON: Yeah.

18 MS. COLE: Oh, okay. Sorry.

19 MS. ASHTON: I think so.

20 Q. (BY MS. ASHTON) Okay. This -- so this is an  
21 email from -- I'm looking at a second email in the  
22 chain.

23 Tanya Tyler to you, copying Matt  
24 Buttacavoli dated April 18, 2022; right? Do you see  
25 that?



1 I'm just talking about here. I'm just  
2 establishing who was involved.

3 A. Oh, okay.

4 Q. Do you see that?

5 A. I see it.

6 Q. All right. And the subject line is "discussion  
7 on April 15, 2022." Right?

8 A. Yes.

9 Q. All right. And Tanya writes, "Edgar, thanks  
10 for meeting with me and Matt on Friday, April 15. I  
11 wanted to send you a summary of our discussion in case  
12 you had any questions. You informed me that were  
13 unhappy with your visit with the Occumed doctor, who  
14 released you to work without any restrictions, and you  
15 did not feel that the doctor understands your job  
16 duties. We offered for you to see a different Occumed  
17 doctor, or to see a doctor of your own choosing, but you  
18 declined.

19 "Instead, you stated that you are able to  
20 return to your regular job duties as an assembler  
21 effective immediately.

22 "We agreed to let -- we agreed that you --  
23 to let us know how your return goes, and if you require  
24 an accommodation in order to perform any of your  
25 essential job duties."

1 That's what we just talked about; correct?

2 A. Yes.

3 Q. Okay. And then the second paragraph is, "We  
4 then discussed your recent complaints regarding your  
5 supervisor, Jackie.

6 "We asked for you to provide us with  
7 details regarding your complaint so we can fully  
8 investigate the situation, but you chose not to. We  
9 explained that it is our intention to fully understand  
10 the situation so we can best address it and resolve any  
11 problems that may exist. We encourage you to discuss  
12 this complaint with us -- and any others with us. We  
13 cannot act if we do not fully understand what is going  
14 on.

15 "Please do let us know if you decide you  
16 would like to discuss this, or any other problems that  
17 you have, any further."

18 Did I read that correctly?

19 A. Uh-huh.

20 Q. Is that a yes?

21 A. Yes.

22 Q. Does that refresh your memory as to whether --

23 A. It refreshed but --

24 Q. Let me finish my question.

25 Does that refresh your memory about whether



1 or not you declined to provide Matt and Tanya with  
2 details regarding your complaints?

3 A. It is missing some stuff.

4 Q. What is it missing?

5 A. What we talked about. It's missing the part  
6 when I told them, is it going to affect me if I say --  
7 if I -- if I say no, I can't work. If they say yes,  
8 it's going to affect you if you say no. So I had to say  
9 yes, I could work.

10 Q. You recorded this conversation; right?

11 A. I don't recall.

12 Q. Okay. You -- you recorded a lot of  
13 conversations; correct? Is that a yes?

14 A. Yes.

15 Q. Okay. And the -- when you recorded a  
16 conversation, did you let the people you were recording  
17 know that you were recording them?

18 A. No, I didn't.

19 Q. Okay. And you provided all the recordings that  
20 you had to your attorney; correct?

21 A. Correct. Yes.

22 Q. This conversation with Matt and Tanya, do you  
23 recall recording it?

24 A. I have to -- I have to check.

25 Q. Okay. Well, I'll represent to you that you did

1 record it. And so we have a record of it; right?

2 A. Okay.

3 Q. What is it that you believe that Tanya did not  
4 say in this email that actually happened?

5 A. Is this the one -- they took me to HR so many  
6 times, there -- did the one where they said about --  
7 right after the finger, right? That's the same one we  
8 were talking earlier.

9 Q. Mr. Reyna, I don't know. This one is dated  
10 April 18, 2022. Your injury happened January 24, 2022.

11 A. Because you said it was the same one whenever  
12 they took me -- that Matt and Tanya took me about --  
13 about when they would -- they asked me about my injury.

14 Q. In this one you were released to work full  
15 duty.

16 A. Yes.

17 Q. You represented to them, I can work full duty.  
18 You declined to see additional doctors. You declined to  
19 see -- you declined to provide information regarding  
20 your complaints.

21 What is it that you believe happened in  
22 this meeting that is missing --

23 A. The reason why --

24 Q. -- from Tanya's email?

25 A. Okay.



1 Q. Go ahead.

2 A. When the doctor released me, my finger was  
3 still injured. So I showed Jackie my finger, the way it  
4 was -- the way -- the way it looked. And he didn't care  
5 about it.

6 And I told him, you know, "They tell us  
7 every day in the safety, that if you see somebody  
8 injured, don't allow them to work."

9 So I told him, "I'm still injured. And I  
10 know the doctor put me in full duty."

11 And he said to ignore it, just to -- if the  
12 doctor say to work full duty, just to work full duty.

13 And I think that's when they took me to --  
14 then Matt -- I guess Matt found out, and that's when  
15 they took me there.

16 Q. Took you where?

17 A. To HR. They -- they were going to talk about  
18 my injury. And that's when they put me back on light  
19 duty.

20 Matt and Tanya decided to put me back on  
21 light duty because of the way that my finger was  
22 looking.

23 Q. Okay. So at the time Jackie had the  
24 conversation with you, you were released to work for  
25 full duty; correct?

1 A. Yes. Uh-huh.

2 Q. All right. And you just said you don't recall  
3 if the company ever provided you with forms for your  
4 position to complete if you needed an accomodation?

5 A. They did provide me with some forms when I  
6 switched doctors. When the doctor -- when I switched  
7 doctors, that's when they provided me forms.

8 Q. When did you switch doctors?

9 A. Like in the middle of 2022.

10 Q. And is that the doctor, the chiropractor?

11 A. She's not a chiropractor. There's --  
12 there's -- I think there -- the building is called  
13 chiropractor. But she's -- she's -- they have different  
14 doctors in there.

15 Q. What kind of doctor is she?

16 A. Like they have a different specialists,  
17 therapists and doctors that will -- doctor that was in  
18 charge of my injury, and another doctor that was --  
19 Dr. Pierson.

20 Q. What kind --

21 THE REPORTER: Doctor who?

22 THE WITNESS: Pierson.

23 Q. (BY MS. ASHTON) What kind -- the doctor that  
24 you had, what kind of doctor was she?

25 A. I never asked her what kind of doctor she was.



1 So just the doctor that I was seeing. I saw her and  
2 Dr. Pierson. Those two doctors.

3 Q. Okay. So you said that the company then put  
4 you back on light duty; correct?

5 A. Uh-huh.

6 Q. And that's what you requested?

7 A. That's when -- they saw my finger. I didn't  
8 request it. I showed them my finger, and I told them to  
9 decide, same day.

10 Q. Okay. So they -- you didn't ask for it because  
11 you were still on full duty.

12 A. That was -- they had put me on full duty, but I  
13 showed them my finger.

14 Q. And then they made a decision, oh, that looks  
15 bad. We're going to put you back on light duty?

16 A. Back on light duty.

17 THE REPORTER: You're still talking a lot  
18 on --

19 Q. (BY MS. ASHTON) Let me ask this question  
20 again.

21 You were on full duty; correct?

22 A. Uh-huh.

23 Q. Is that a yes?

24 A. Yes.

25 Q. Okay. Then Madison and Matt saw your finger;

1 right?

2 A. Uh-huh.

3 Q. Is that a yes?

4 A. Yes.

5 Q. And they said, let's put you back on light  
6 duty; correct?

7 A. Yes.

8 Q. Okay. So at that time you were put back on  
9 light-duty work?

10 A. Yes.

11 Q. While you were back on light-duty work, they  
12 checked in with you to see how you were doing again;  
13 correct?

14 A. I don't recall, to be honest.

15 Q. All right. Do you recall saying -- or for  
16 Tanya offering for you to start going directly to  
17 Madison, instead of Tanya, since you kept refusing to  
18 provide details about your complaints to Tanya?

19 A. At first -- I don't know what's going on, but  
20 at first she said not to -- not to send my emails to  
21 Madison because it was too much for her to handle.

22 Q. I'm going to object as nonresponsive.

23 Do you recall that Tanya said to you, "We  
24 want to know details of your complaint. If you feel  
25 uncomfortable coming to me, Tanya, you can go to



1 Madison"?

2 A. She did.

3 Q. Okay. Did you start going to Madison?

4 A. I went to Madison one time, but at that time my  
5 mind was confused because at first she had told me not  
6 to go to Madison. And that's when she told me to go to  
7 Madison, that's why I was confused.

8 Q. She told you to go to Madison because she  
9 wanted you to feel comfortable about who you were able  
10 to tell your complaints to; correct?

11 A. Yes. Yes.

12 Q. And then did you eventually go to Madison about  
13 your complaints?

14 A. I went to Madison, and she started asking me  
15 questions.

16 Q. She was investigating your complaints; wasn't  
17 she?

18 A. She was not, but she was asking me questions.  
19 I told her all my info was in emails.

20 Q. Hold on. Madison is in HR; correct?

21 A. Yes.

22 Q. It is her job to investigate complaints; isn't  
23 it?

24 A. Yes.

25 Q. So when she was asking you about your

1 complaints, wasn't she trying to investigate them?

2 A. I've -- I've been to HR so many times and I was  
3 afraid to get retaliated again. That's why I told them  
4 everything is in emails.

5 Q. So you did not tell Madison information she was  
6 asking you; correct?

7 A. I told her some info. I told her. And she  
8 started saying, you feel comfortable emailing, but you  
9 don't feel comfortable talking.

10 And I told her I'm afraid to come talk to  
11 you guys.

12 Q. Okay. We'll talk about that in a second.

13 The company also offered for you to work  
14 for a new supervisor; didn't they?

15 A. Yes, they did.

16 Q. And you declined that?

17 A. I declined it. I told them why -- why -- how  
18 come always all minorities we have to move to please  
19 Jackie, instead of you guys fixing Jackie?"

20 Q. I'm going to object as nonresponsive.

21 The company, after they offered for you to  
22 get off of Jackie -- under Jackie and then go to a new  
23 supervisor, you said no; correct?

24 A. I said no to investigate my actions and --

25 THE REPORTER: Just a minute. Just a



1 minute. You're just going to have to wait until she  
2 gets her question out. I don't mean to be rude.

3 THE WITNESS: Because I'm --

4 MS. COLE: She's trying to protect the  
5 record.

6 THE WITNESS: She's being aggressive --

7 THE REPORTER: I'm just trying to protect  
8 the record.

9 MS. COLE: Let's take a break.

10 THE REPORTER: Okay. Do you want to take a  
11 break?

12 MS. ASHTON: I have a question pending.

13 Q. (BY MS. ASHTON) The company offered for you to  
14 work under a new supervisor and you declined; correct?

15 A. Yes.

16 MS. COLE: Objection; asked and answered.

17 MS. ASHTON: Okay. We can take a break.

18 THE VIDEOGRAPHER: Off the record at  
19 1:49 PM.

20 (Recess taken from 1:49 until 2:00.)

21 THE VIDEOGRAPHER: We are back on the  
22 record at 2 o'clock PM, media four.

23 Q. (BY MS. ASHTON) Mr. Reyna, you understand  
24 you're still under oath?

25 A. Yes, ma'am.

1 Q. Before the break we were talking about the  
2 offer to switch to a new supervisor, Earl Lange.

3 Do you recall that testimony?

4 A. Yes.

5 Q. Why did you decline to switch to Earl Lange?

6 A. I told Matt and Tanya why -- I wanted to  
7 resolve the issue because I'm not the first one that's  
8 complained about discrimination against Jackie.

9 Why -- why do we always get to -- as  
10 minorities get to move to satisfy Jackie, instead of you  
11 guys resolving the issue with Jackie. And that's what I  
12 said.

13 I want you guys to resolve the issue, not  
14 to move me, like you move everybody else to so you  
15 can -- we can please Jackie.

16 Q. The pay and your schedule would have been  
17 exactly the same; right?

18 A. Exactly the same.

19 Q. Who else do you believe Tanya and Matt moved  
20 off of Jackie's team because of racial claims?

21 A. The ones that I know that moved was Joey.

22 Q. What's Joey's last name?

23 A. Joey has a long last name. I don't recall. It  
24 has H in the last name.

25 Q. Okay.



1 A. Joey Khammanee, Khammanee something.

2 And then Miss Glenda, Glenda Randall, and  
3 Curtis. And Patrick Alec Bouton, he quit because he  
4 couldn't take Jackie's racism no more, so he -- he  
5 had -- he used to get panic attacks at work so he  
6 quit on his own.

7 Q. Who -- who is that?

8 A. Patrick Bouton. Alec Bouton.

9 Q. What is Patrick's nationality?

10 A. Alec, he told me was Italian and American.

11 Yes.

12 Q. What about Curtis?

13 A. Curtis is African-American.

14 Q. What about Glenda?

15 A. African-American.

16 Q. And you said Joey is Asian?

17 A. Yes.

18 And Lonnie Robison.

19 Q. We talked about Lonnie. You said Lonnie was an  
20 electrician.

21 A. Electrician. Yes.

22 Q. Okay. Joey, Glenda, Curtis, Patrick, none of  
23 them are assemblers; correct?

24 A. Joey is an assembler. Miss Glenda is an  
25 assembler. Curtis is an assembler, and Alec was an

1 assembler.

2 Q. We've never talked about them before.

3 So when did Joey switch off of Jackie's  
4 team and where did he go?

5 A. He went to Mr. Earl's.

6 Q. When was that?

7 A. I'm thinking 2021, 2022. I'm -- I don't recall  
8 at this time.

9 Q. And how do you know why he switched to Earl's  
10 team?

11 A. Because Joey told me.

12 Q. What did he tell you?

13 A. He told me that he was in a test pad. And he  
14 went to the restroom on -- when he was coming out of the  
15 restroom, Jackie and Peter were waiting for him, and  
16 they shut the doors and cornered him in the test pad.

17 And Jackie asked them -- he kept walking  
18 towards him, he said, and he feel threatened.

19 And he said that Jackie kept asking him,  
20 you know, it's -- it's -- it's against the policy to  
21 make false accusation about his department being  
22 hostile.

23 And he said no. He said his department was  
24 hostile. That's why he was trying to move to Mr. Earl's  
25 department.



1                   And a lot of stuff went down. He went to  
2                   HR, and I think they talked about it. But Peter said it  
3                   was Jackie's idea to shut the doors.

4                   Q. What about Glenda? When did she move to --  
5                   whose team did she move to?

6                   A. Glenda. To Mr. Earl.

7                   Q. And when was that?

8                   A. Around the same -- around the same time, I  
9                   think.

10                  Q. Why did she move?

11                  A. Because of her issues, too, complaints and the  
12                  way they were treating her.

13                  Q. With Jackie?

14                  A. Yes. Jackie was under -- we were -- we were  
15                  all working under Jackie.

16                  Q. Okay. Do you believe Jackie discriminates  
17                  against other people in addition to Hispanic Mexicans?

18                  A. Just because we're minorities.

19                  Q. So all minorities Jackie discriminates --

20                  A. Not every -- every single one.

21                  Q. Let me finish my question please.

22                  A. Go ahead.

23                  Q. Do you believe Jackie discriminates against all  
24                  minorities?

25                  A. Not all minorities.

1 Q. Do you believe Jackie discriminates against  
2 Black workers?

3 A. He does, yes.

4 Q. Do you believe Jackie discriminates against  
5 Asian workers?

6 A. Well, Joey, yes, he's Asian.

7 Q. And you obviously believe he discriminates  
8 against Hispanic workers?

9 A. Yes.

10 Q. Who else -- what other minority group do you  
11 think Jackie discriminates against?

12 A. So far just those.

13 Q. And I guess one guy we talked about is Italian;  
14 correct?

15 A. He's mixed, American and Italian. But he looks  
16 Hispanic. He thought he was Hispanic, he say. Because  
17 they used to call him Patricio. Patrick.

18 Q. Who used to call him that?

19 A. At work. He used to say his name was Patricio.  
20 Patrick.

21 Q. Patrick.

22 A. He looks -- if you look at him, he looks like  
23 me, Hispanic.

24 Q. Patrick would refer to himself as Patricio?

25 A. Yes.



1 Q. Is that like an Italian name?

2 A. I don't know. He would just say Patricio.

3 Patrick.

4 Q. Okay. Did you like Earl?

5 A. Mr. Earl helped me out. He shared his stories  
6 with me. He also went through a lot of racism at work  
7 when he became supervisor.

8 Q. What is Earl's race?

9 A. Earl Long.

10 Q. What's his race?

11 A. It's African-American.

12 Q. What is his national origin?

13 A. American.

14 Q. How do you know that?

15 A. He told me.

16 Q. He told you he's American?

17 A. He told me his stories and everything, yes.

18 He's the one that gave me like -- he used to give me  
19 motivations, you know, to keep working.

20 Q. Okay. Did Jackie discriminate against Earl?

21 A. Not against Earl but some of his employees.

22 Q. But Earl is Black?

23 A. Yes.

24 Q. Why wouldn't Jackie discriminate against Earl?

25 A. I don't know.

1 Q. I'm going to mark Exhibit 13. This is the next  
2 charge that you filed. Take a look at it let me know if  
3 it looks familiar and confirm that's your signature at  
4 the bottom of the page.

5 A. Yes.

6 Q. That's your signature at the bottom of the  
7 page?

8 A. Yes.

9 Q. And this charge is dated May 13th of 2022;  
10 correct?

11 A. 5-15, yes.

12 Q. Here you check the boxes for race, color,  
13 national origin, discrimination and retaliation; right?

14 A. Uh-huh.

15 Q. Is that a yes?

16 A. Yes.

17 Q. So in the middle of the second paragraph you  
18 say that from November 2021 through May 11, 2022, I have  
19 been watched on the job, filmed on the job; correct?

20 A. Right.

21 Q. What makes you believe that's true?

22 A. Because I saw -- I -- I would -- every -- I  
23 work -- I'd be working on a work station, and then I see  
24 a light outside, you know, a light or something on. And  
25 I look, and I would see Jackie or Tim. And when I --



1 they noticed I'd see them, they would take off.

2 Q. Jackie or who?

3 A. Tim Choate.

4 Q. Tim?

5 A. Tim Choate.

6 Q. Tim, C-H-O-A-T-E. His last name.

7 A. Jackie Gudgel and Tim Choate. Yes.

8 Q. Okay. So you would see -- you would look out  
9 and see Jackie and Tim doing what?

10 A. When I was -- we work at nightshift. Right.  
11 And you can tell when the light is on, on something.  
12 When I look outside the bay door, I can see a light or  
13 something. When I -- when I keep looking, that's when I  
14 see them take off walking.

15 Q. So you believe that when you spotted them, they  
16 were filming you?

17 A. Yes. Because I saw the light of the phone.

18 Q. You saw a phone light on?

19 A. I saw a light. A light. Yes. Yes.

20 Q. And it's your belief that it was a phone light?

21 A. I have asked a couple of people, and they say  
22 that Jackie and Tim, they like to record people doing  
23 wrong stuff.

24 Q. Were you doing anything wrong?

25 A. Not that I'm aware.

1 Q. Okay. What other -- what other time do you  
2 believe you've been watched or filmed on the job?

3 A. It's been a couple -- all the time that when I  
4 was working, it was me, three of us working, and during  
5 a video, she caught -- he caught one of us doing  
6 something wrong.

7 Q. Let me go back to this first time.

8 Did you approach Jackie or Tim and ask them  
9 if they were filming you?

10 A. I didn't -- I'm so afraid to approach them.

11 Q. So is that a no?

12 A. No, I didn't. I'm afraid to approach them.

13 Q. So the second time, describe to me the second  
14 time that this happened.

15 A. It's been more than once when I saw the phone  
16 on a couple of times in the bay, but I never -- every  
17 time I seen them, they would just take off.

18 Q. Okay. And what's another time where you  
19 believe you've been watched or filmed on the job?

20 A. When he said that -- but he didn't -- when he  
21 said he caught one of us breaking the policy.

22 Q. Who is "he"?

23 A. Tim.

24 Q. Tim told --

25 A. Jackie, and Jackie told us.



1 Q. Okay. Hold on. I'm getting confused.

2 Tim told Jackie that what?

3 A. That one of us was breaking the policy and he  
4 had her on the phone.

5 Q. Tim told Jackie that he has on his -- on Tim's  
6 phone evidence of somebody breaking a policy?

7 A. Yes. The people that I was training, yes, in  
8 the group.

9 Q. Who were you training?

10 A. I was training Aileen and Glenda.

11 Q. Aileen.

12 A. And Glenda.

13 Q. And Glenda.

14 A. Yes.

15 Q. And you -- Tim said to Jackie, that Tim has  
16 evidence of either you, Aileen or Glenda breaking a  
17 policy?

18 A. Uh-huh.

19 Q. What was the policy?

20 A. We were putting diesel -- we were putting  
21 diesel in the truck. And diesel is really strong. And  
22 I think she got dizzy, but nobody noticed but somehow  
23 Tim said he noticed that she closed her eyes.

24 Q. Who's "she"?

25 A. Aileen. Aileen closed her eyes.

1 Q. Aileen.

2 A. Yes.

3 Q. Oh, so she caught Aileen sleeping?

4 A. Supposedly that she closed her eyes. But I --  
5 we were not aware of what happened until she got taken  
6 to the office.

7 Q. Did you get in trouble for this?

8 A. No. But he -- he told somebody -- we didn't  
9 know who it was until he -- he came and said who he was.

10 Q. I'll object after no. Everything to no.

11 A. I -- no, I didn't get in trouble.

12 Q. Okay. What is another time where you believe  
13 you'd been watched or filmed on the job?

14 A. I can't remember.

15 Q. Will you agree that at some point during this  
16 deposition, if you remember, you'll tell me?

17 A. There's been so many times that I saw them, but  
18 I don't remember the dates. I would see them outside of  
19 bays.

20 Q. Who -- did they swatch anybody else or was it  
21 just you?

22 A. At that time they were just watching me.

23 Q. How do you know that?

24 A. Because I was -- I was the one making -- I was  
25 the one -- I was the one saying the complaints.



1 Q. But you didn't see them all the time; right?

2 A. All the time -- I'll see their bodies, and I  
3 see it was them. I knew it was Jackie because I saw  
4 Jackie. I could tell from -- let me see. I could tell  
5 who it was when I saw them walking away.

6 Q. But it's possible they were filming other  
7 people and you just didn't know about it; right?

8 A. My rig was the only one showing right there on  
9 that bay.

10 Q. Objection; nonresponsive.

11 It's possible that they were filming other  
12 people, and you just didn't know about it; right?

13 A. Maybe I didn't know about it.

14 Q. And you were never disciplined for something  
15 discovered on a camera; correct?

16 A. No.

17 Q. All right. You then say that your workplace  
18 restrictions have been ignored.

19 At this time, May 13, 2022, you're on light  
20 duty; is that correct?

21 A. Uh-huh.

22 Q. Is that a yes?

23 A. Yes.

24 Q. What workplace restrictions were ignored?

25 A. Jackie was trying to send me to a test pad.

1 Q. Jackie was trying to send you to a test pad?

2 A. To a test pad.

3 Q. When was that?

4 A. I think it was in 2022. I don't recall the  
5 exact date.

6 Q. And when you say Jackie was trying to send you  
7 to a test pad, describe to me what happened.

8 A. I got there that day, and he said he needed me  
9 in the test pad, but I told him I was on light duty.

10 He said, "I need you in the test pad."

11 And I was -- I got nervous. I got scared  
12 because on the test pad you have to be in full capacity  
13 because we're testing the machines at full capacity.  
14 And people have like really -- really hurt outside. So  
15 you have to be like alert in full capacity to go to a  
16 test pad.

17 But -- and then Peter -- Peter heard the  
18 conversation. He -- he told Jackie that how was he  
19 going to put me in a test pad if I was on light duty.

20 And then he was still trying to send me.  
21 But then that day I thank God that I forgot my safety  
22 shoes. I have -- that day I had forgot my safety shoes,  
23 and I was wearing the company slip-on shoes that you  
24 wear over your shoes.

25 And then that's when Peter told me, okay,



1 look, he's not just on light duty. He also forgot his  
2 safety shoes. If he goes outside, he's going to --  
3 because they wiggle too much. He's going to trip --  
4 he's going to be more a trip hazard. He's going to be  
5 more worse. And that's -- that's what stopped Jackie.  
6 And he said okay. He -- he didn't send me.

7 Q. So you did not go to the test pad?

8 A. I didn't end up going, but I felt intimidated.  
9 I was scared.

10 Q. Objection; nonresponsive.

11 I'm just going to ask a question. Let  
12 me -- wait until I'm done talking.

13 You claim Jackie tried to send you to the  
14 test pad, but you did not go to the test pad; correct?

15 A. Yes.

16 Q. Is that correct?

17 A. I did not go.

18 Q. Okay. Is there any other time that you believe  
19 your workplace restrictions had been ignored?

20 A. When Tim -- Tim -- Tim Choate, kind of the same  
21 thing, I was on the machine, but he was a little bit far  
22 away. And he yelled out my name to get off the machine  
23 and to go do kind of like a teardown in the test pad.

24 And I told him I was on restrictions. He  
25 ignored me. He said, just to -- yelling really loud. I

1 have a witness, Miss Glenda.

2 And I got scared, so I got out.

3 And I said okay. So I went, took my bag  
4 and I was going to go over there, but on the way --

5 And then he -- he said he ran into Peter,  
6 and Peter told him I was still in restrictions, that he  
7 wasn't aware of it. But I had already told him I was on  
8 restrictions.

9 Q. Tim told Peter, Tim was unaware that you were  
10 on restrictions?

11 A. Peter told -- because Peter -- Tim, after --  
12 after he came and told me, he looked for Peter. And  
13 then Peter told him that I couldn't do that job because  
14 I was still on restrictions. And then Tim said he had  
15 forgot I was on restrictions, that he didn't know I was  
16 on restrictions.

17 Q. So you didn't do the job?

18 A. I did not do the job.

19 Q. You remained on light duty?

20 A. I remained on light duty.

21 Q. All right. Any other time where you believe  
22 your workplace restrictions had been ignored?

23 A. I don't recall.

24 Q. Okay. Then you claim that there was an  
25 April 28 incident with Tim Choate (however you pronounce



1 it) harassed you. What -- what was that?

2 A. That's what I just --

3 Q. That was the incident. Okay.

4 All right. The times where -- when Jackie  
5 asked you to go to the test pad and when Tim asked you  
6 to go to the test pad, do you believe that they asked  
7 you to do that because you are Hispanic Mexican?

8 A. Yes. I think they were trying to intimidate  
9 me.

10 Q. Why? What makes you believe that they asked  
11 you to do that because of your national origin?

12 A. Because they've been discriminating me all this  
13 time.

14 Q. Based on the things we've already talked about?

15 A. Yes.

16 Q. All right. Then you mentioned a comment by  
17 Scott O'leske, and he approached you and told you to  
18 keep your, quote, freaking woman from stopping work  
19 early or else he's going to tell Jackie. Is that  
20 correct?

21 A. Yes.

22 Q. Who was Scott referring to?

23 A. Miss Glenda Randall and Aileen.

24 Q. And what was he trying to -- what does this  
25 mean, this comment?

1           A. He said that I need to tell -- because he's  
2       been watching them -- I don't recall exactly. But he  
3       said he's been watching them, and they're just lazy. He  
4       said a bad word. They don't want to work. They're  
5       just -- he said cuss words. He said keep your --

6           Q. You can say it. What did -- tell me. I want  
7       to know exactly.

8           A. Keep your -- that they're lazy as fuck. They  
9       don't do nothing.

10          Q. Referring to Glenda and Aileen?

11          A. Glenda and Aileen. All they want to do is just  
12       walk around and not do nothing. To make -- make sure to  
13       put them to work because he's watching us, or else he's  
14       going to tell Jackie.

15          Q. He told that to you?

16          A. To me, yeah.

17          Q. He told you, "I'm watching Glenda and Aileen.  
18       They're lazy. Make sure that they work."

19          A. Yes. And making -- make sure that they work  
20       because I'm watching and -- because he was Jackie's  
21       buddy.

22          Q. Scott was?

23          A. Yes. Yes.

24          Q. What is Aileen's national origin?

25          A. Hispanic.



1 Q. And so -- and Glenda too?

2 A. Glenda is African-American.

3 Q. Glenda is African-American. Okay.

4 All right. On June 7, we're going to go  
5 back to this one right here, the --

6 A. Which one?

7 Q. The -- the workers' comp status report.

8 So you -- you went back on June 7. It's  
9 the next page. So you're going to go to the June one.  
10 There's one a month, so we'll just flip to June.

11 A. June 7?

12 Q. Yes.

13 Do you see that?

14 A. Okay.

15 Q. Okay. And this is a new doctor, right, because  
16 it says --

17 A. Oh, yes, Dr. Mehreen Nadeem.

18 Q. -- Dr. Mehreen Nadeem?

19 A. Yes. That's the name I couldn't remember.  
20 That's the clinic, Peak Integrated Healthcare.

21 Q. This is the chiropractor; right?

22 A. Yeah. The clinic. Yes. Peak Integrated.

23 Q. Because before you said she wasn't a  
24 chiropractor, but here it says D. C.

25 A. There's -- that's the doctor. There's so many

1 doctors in there.

2 Q. D. C. means what, do you know?

3 A. I don't know what it means.

4 Q. Doctor of -- doctor of chiropractic, something  
5 like that. Are you aware of that?

6 A. No. I was not aware of that.

7 Q. Did Dr. Nadeem ever work on your back?

8 A. No. She never worked on my back.

9 Q. Okay. So for you she only worked on your  
10 hands?

11 A. Just on my hand, yes.

12 Q. So according to Dr. Nadeem, it says for work  
13 status information, "will allow the employee to return  
14 to work as of June 7, 2022, with the restrictions  
15 identified in Part III, which are expected to last  
16 through 6-21-22."

17 And then under Part III where it says  
18 restriction, it says no bending or twisting; correct?

19 A. Uh-huh.

20 Q. Is that a yes?

21 A. Yes.

22 Q. And that's your signature at the bottom of the  
23 page?

24 A. Yes.

25 Q. Okay. And at this time you had not seen a hand



1 specialist; correct?

2 A. I don't recall -- I don't think I haven't.

3 Q. You had not provided any information to Epiroc  
4 that you had seen a hand specialist; right?

5 A. I hadn't. Yes.

6 Q. Okay. And you had still not completed -- you  
7 had not completed the ADA questionnaire form; correct?

8 A. All those -- I think all those papers, whatever  
9 she was -- I was -- I was taking this to Epiroc. But  
10 all the other papers from them they were giving them to  
11 Occumed -- to -- no, to workers' comp. They were  
12 talking to a lady from workers' comp.

13 Q. Not Dr. Mehreen Nadeem?

14 A. Dr. Mehreen Nadeem was in contact with my  
15 workers' comp lawyer, and they were -- give her all the  
16 info about the other doctors. And then I would -- I  
17 would just take this to Epiroc, my restrictions form.

18 Q. So the form we're looking at right now you  
19 provided this to Epiroc?

20 A. Yes, I did.

21 Q. Okay. Epiroc provided you with additional  
22 forms, a medical questionnaire; correct?

23 A. Yes. The one I took to them when I first  
24 started going with them. Yes.

25 Q. So my question is: As of June 7, 2022, you had

1 not given Epiroc that completed form yet; right?

2 A. I don't remember when I gave it to her, but I  
3 did give it to her.

4 Q. Okay. The restrictions here on 6-7-22, Epiroc  
5 accommodated these restrictions; correct?

6 A. Yes.

7 Q. Okay. So Epiroc made you another Occumed  
8 appointment after this one because you still needed to  
9 see a hand specialist.

10 Do you recall that?

11 A. I don't recall, but I --

12 Q. Do you recall missing an Occumed appointment,  
13 skipping it?

14 A. I don't -- I don't recall skipping it.

15 After the incident, I told them I didn't  
16 feel comfortable going to the same doctor.

17 Q. You didn't feel comfortable going to Dr. Inzer?

18 A. Yes.

19 Q. But that's why you went to Dr. Mehreen Nadeem;  
20 right?

21 A. That's when I got my own doctor. Then I wasn't  
22 able to see a specialist.

23 Q. Okay. But you don't recall skipping an  
24 appointment that was made for you?

25 A. I don't recall. Just -- I just -- I just told



1 my workers' comp lawyer that they -- she said they can't  
2 force you to go to a doctor when you're switching  
3 doctors. That's -- and that's what I --

4 Q. Okay. There was something that happened where  
5 at the end of the day you went to the hospital; right?

6 You had a meeting with Jackie, and then you  
7 were taken by ambulance to the hospital. Do you know  
8 what I'm talking about?

9 A. Yes. I know what you're talking about.

10 Q. Tell me about this incident.

11 A. That day I get to work, and right there by  
12 the -- where we stretch, Jackie was -- he's with  
13 Mr. Earl.

14 And he approaches me and said, by -- by HR  
15 rules, I'm -- I'm no longer welcome in the production  
16 floor no more, to go wait in the lobby for further  
17 instructions.

18 So that got me really nervous, you know. I  
19 was scared, because the only thing I have done is just  
20 raise up my complaints. And I thought I was getting  
21 fired that day since he -- he told me I was no longer  
22 welcome on the production floor.

23 And I started -- and then I started -- that  
24 same day I started feeling sick. I had a headache. My  
25 chest was hurting. I was -- I had shortness of breath

1 and my -- my -- one of my arms was hurting.

2 And then I told -- I was afraid to tell  
3 Jackie, so I told Mr. Earl. I told Mr. Earl that the  
4 way I was feeling.

5 He said, okay, let me call first responder.  
6 He called first responder, Adrian. Adrian checked me,  
7 and he said if I have high blood pressure. I told him  
8 no, because he said it was high.

9 I said, "No, I don't have high blood  
10 pressure. I'm just, you know, stressed out what  
11 happened today."

12 And he was telling me to calm down. Then  
13 Mr. Earl called the ambulance, and then that's when they  
14 took me in the ambulance.

15 And then Adrian -- I didn't know that  
16 Adrian followed me to the ambulance until my wife told  
17 me.

18 And over there they said I was having a  
19 panic attack, and they gave me a medicine to calm down  
20 and knocked me out. And then my wife took me home.

21 Q. So make sure I'm understanding. What caused  
22 you to go to the ambulance was that Jackie asked you to  
23 wait in the lobby?

24 A. He said I was no longer welcome on the  
25 production floor, to go wait in the lobby for



1 instructions.

2 Q. Did he say anything else?

3 A. He just said that for -- you no longer work in  
4 the production floor. That I took it like, I'm getting  
5 fired.

6 Q. Well, you were on light duty at the time;  
7 correct?

8 A. I don't remember if I was on light duty.

9 Q. There was a -- there was a confusion about your  
10 restrictions at the time.

11 Do you remember that?

12 A. I don't recall nothing. I just recall that  
13 time like he told me that, and that's what got me really  
14 stressed out.

15 Q. Is it possible that Jackie was trying to  
16 understand your restrictions and asked you to go wait in  
17 the lobby so that you could talk to HR about your  
18 restrictions --

19 A. He said that --

20 Q. Let me finish. Let me finish.

21 MS. COLE: Hold on. Hold on. I need to  
22 object, so go ahead and finish.

23 Q. (BY MS. ASHTON) Oh, yeah. Is it possible --

24 Can you read it back to me? I'm sorry.

25 THE REPORTER: "Is it possible that Jackie

1 was trying to understand your restrictions and asked you  
2 to go wait in the lobby so that you could talk to HR --"

3 MS. ASHTON: I'll just put a question mark  
4 there.

5 MS. COLE: Objection; form.

6 Q. (BY MS. ASHTON) Go ahead.

7 A. No. Because he said it was coming from HR, not  
8 from him.

9 Q. Okay. Right. That's my point.

10 So it's possible that HR told Jackie to ask  
11 you to wait in the lobby so that they could figure out  
12 your restrictions; correct?

13 MS. COLE: Objection; form.  
14 You may answer.

15 A. The way he approached me, the way he told me,  
16 it didn't sound like that. If it would have been that,  
17 he would have gave me the -- he could have just told me,  
18 no, if we have problems with your -- you know, this and  
19 that. Instead of what he told me that I was no longer  
20 welcome in the production floor no more.

21 Q. (BY MS. ASHTON) And he said HR said that?

22 A. Coming from HR, he said.

23 Q. Okay. Coming from HR, not coming from Jackie?

24 A. That's what he said.

25 Q. All right. So after you went to the hospital,



1 you -- you provided a doctor's note to return to work;  
2 correct?

3 A. I didn't provide it. They forced me to provide  
4 it.

5 Q. All right. Well, let's -- objection;  
6 nonresponsive.

7 Let's talk about that for a second. So you  
8 went to the hospital. Was that on June 9?

9 A. I don't remember the date, but it was the same  
10 day -- the date that I went, the next day I was -- I was  
11 going to go back.

12 Q. So you went to the hospital one day, and the  
13 next day you were going to return to work?

14 A. Yes.

15 Q. You approached the entrance; correct?

16 A. I -- I was at the -- before I got there, the  
17 vice-president and Matt, they were already waiting for  
18 me.

19 Q. That's Brett Border?

20 A. Brett Border and Matt Buttacavoli, yes.

21 Q. They were waiting for you?

22 A. They were waiting for me.

23 Q. And then what -- what was the conversation?

24 A. They said that I broke the policy for leaving  
25 in an ambulance.

1                   And I told, "I've seen a lot of people  
2                   leaving in an ambulance, and I never see them treated  
3                   like this."

4                   Q. You recorded this conversation, too; correct?

5                   A. Yes. Yeah, I know.

6                   Q. So is it your testimony that if -- on the  
7                   recording they're telling you that you broke a policy?

8                   A. Yes. I think it's on the recording.

9                   Q. Did they write you up?

10                  A. They didn't write me up. They just -- I told  
11                  them, are --

12                               I told them, "Are you sure it's because of  
13                   this? Because this is -- this is what happens when  
14                   you," I told them, "This is what happens when you -- I  
15                   see people complain. Sometimes this is -- this is the  
16                   same thing they tell them, like you're telling me that I  
17                   broke the policy.

18                               This is the same thing I heard from other  
19                   people that have had complaints saying that, oh, they  
20                   broke the policy. That's why they got fired.

21                   Q. Brett and Matt talked to you about the fact  
22                   that they needed a clearance from a doctor for you to  
23                   return to work; correct?

24                   A. They said that what was going on with me that  
25                   I -- and I told them, and they asked -- they didn't --



1 they didn't want -- me that I went to the ER because of  
2 the news that Jackie gave me.

3 Q. I'm going to object as nonresponsive.

4 Brett and Matt told you that in order for  
5 you to return to work, you needed to provide a doctor's  
6 note; right?

7 MS. COLE: Objection; form.

8 A. Yes.

9 MS. COLE: You got to give me a chance to  
10 object, and then you can answer.

11 THE WITNESS: Okay.

12 Q. (BY MS. ASHTON) You can go ahead.

13 A. Yes. But before that it was some other stuff.  
14 And I told them that it was not fair because I never  
15 seen nobody leave in an ambulance, and then -- then they  
16 wait for them like that, and then they deactivate the  
17 badge like that, the same way I was getting treated.

18 Q. Right.

19 So then y'all talked about why your badge  
20 was deactivated; correct?

21 A. Uh-huh. And he said he gave the --

22 Q. Is that yes?

23 A. Yes.

24 Q. Okay. And Brett said that Brett deactivated  
25 your badge?

1 A. He said he gave the order, yes.

2 Q. What is Brett's national origin?

3 A. He's American.

4 Q. How do you know?

5 A. Whenever he introduced himself to the company,  
6 he said it, I think. I remember he --

7 Q. He said I'm Brett Border and I'm American?

8 A. He said he worked -- he worked at GMC. I  
9 remember.

10 Q. But do you recall if he represented that he's  
11 American?

12 A. I don't know.

13 Q. What's his race?

14 A. I'm not -- he -- he never told me his race. I  
15 never had a talk with Brett.

16 Q. Do you think Brett is an honest person?

17 A. Not after that day.

18 Q. Okay. So Brett told you, "Per company policy,  
19 I deactivated your badge"; correct?

20 A. Uh-huh.

21 Q. Is that a yes?

22 A. Yes, that's what he said.

23 Q. And then they asked for you to provide a  
24 doctor's note to release you back to work, and then they  
25 would reactivate your badge; right?



1 A. Yes.

2 Q. So then you did go back and get a doctor's  
3 note; correct?

4 A. I had to go to the HR. And they said they had  
5 never had this type of situation like they're having  
6 right now with me.

7 Q. Who told you that?

8 A. The lady in HR that gave me the paper.

9 Q. What's her name?

10 A. I don't remember her name, but she's the one  
11 that signed the paper that she gave me.

12 Q. She's the one who signed what paper?

13 A. The paper that I took to Matt, and then Matt  
14 had to cover to verify the paper that it was -- if it  
15 was -- if it was the real paper.

16 (Exhibit No. 14 marked.)

17 Q. (BY MS. ASHTON) Okay. I'm going to hand you  
18 Exhibit 14.

19 This is from Richardson Methodist Medical  
20 Center; is that right?

21 A. Uh-huh.

22 Q. Is that a yes?

23 A. Yes.

24 Q. Is this the hospital you went to on June 9?

25 A. Yes. It says -- yes, that's where I went.

1 Q. Okay. And it says patient, Edgar Reyna. You  
2 were treated in the emergency room on June 9, 2022, by  
3 Dr. Andrew Rutherford.

4 Do you see that?

5 A. Yes.

6 Q. Okay. And it says you have zero restriction  
7 for days?

8 A. May return to work, yes.

9 Q. Okay. Other instructions, you may return to  
10 work on 6-10-22 with no restrictions; correct?

11 A. Yes.

12 Q. So you provided this to Matt and Brett;  
13 correct?

14 A. Yes.

15 Q. And then your badge was reactivated?

16 A. Yes.

17 Q. And you were allowed to return to work?

18 A. But I was -- had to wait for him to verify.

19 Q. Okay. After he verified it, you were allowed  
20 to return to work; correct?

21 A. Yes. Correct.

22 Q. Okay. And you went back to work on light duty;  
23 correct?

24 A. Yes. Correct.

25 Q. Okay. What makes you think that Brett



1 deactivated your badge because of your national origin?

2 A. Because I had never seen this happen to nobody.

3 Q. Well, who have you seen it happen to?

4 A. I seen a lot -- I talked to a lot of people  
5 that leave in ambulance. I had talked to a lot of first  
6 responders, especially the first responder that treated  
7 me.

8 He said -- he said he had never seen this  
9 happen to nobody. He has called the ambulance on a lot  
10 of people, and he has never seen their badge -- even  
11 Brett wait outside for them.

12 Q. Do you have any names?

13 A. Lonnie, first responder.

14 Q. Lonnie?

15 A. Robison. He's the first responder. He told  
16 me.

17 And Adrian, the first responder. I don't  
18 know Adrian's last name, but he's the first responder  
19 that treated me.

20 Q. Sorry. I meant do you have any names of people  
21 who left in an ambulance whose badges were not turned  
22 off?

23 A. Audrey. I think Audrey left in -- Audrey and  
24 Lonnie. Lonnie, too. Lonnie has left in an ambulance.

25 Q. Okay. I think you mentioned one of them in one

1 of the charges that we're going to talk about that.

2 (Exhibit No. 15 marked.)

3 Q. (BY MS. ASHTON) This is Exhibit 15. This is  
4 the next charge of discrimination filed.

5 So take a look at this, and I'm going to  
6 just ask you to verify your signature at the bottom.

7 Does this look familiar to you?

8 A. Yes.

9 Q. This charge of discrimination is dated June 15,  
10 2022; correct?

11 A. Uh-huh.

12 Q. Is that a yes?

13 A. Yes.

14 Q. And you checked the boxes here for national  
15 origin and race discrimination and retaliation?

16 A. Uh-huh.

17 Q. Yes?

18 A. Yes.

19 Q. I'm looking at the second paragraph.

20 It says: On May 20 -- on May 20, 2022, you  
21 were approached by leadman Peter Chung, immediately  
22 after he spoke with Jackie Gudgel, where he told me that  
23 I am restricted from accompanying Ms. Glenda Randall  
24 (Black) or Mrs. Aileen (Hispanic) to show them what  
25 tools to get from the tool crib, as well as hardware and



1 ice pops. I responded to Peter that I'm still their  
2 mentor and they're still in the learning process. His  
3 response was "By now they should already know. If they  
4 don't know, then I don't know what to say."

5 Did I read that correctly?

6 A. Yes.

7 Q. And then he said, Peter said, he said that the  
8 only one that is allowed to do it right now is Jamie  
9 Tamez (white). Right?

10 A. Yes.

11 Q. What are you trying to allege here?

12 A. That they took -- they took it from me and gave  
13 it to Jamie. Jamie was the one in charge of that  
14 training. Jamie took over that training.

15 Q. Oh, that's Jamie Tamez?

16 A. Yes.

17 Q. Okay. So Jamie took over Glenda and Aileen's  
18 training?

19 A. Yes.

20 Q. For how long?

21 A. I don't remember, but after -- after me, I  
22 don't remember for how long, but he kept -- he's the one  
23 that kept training them --

24 Q. How long did you train Glenda and Aileen?

25 A. For -- I think for a couple of months. Like

1 one or two, like two or three months, I think. Or one,  
2 two months. I don't recall the exact amount.

3 Q. Is it possible that they were just switching  
4 trainers because the company wanted them to switch  
5 trainers?

6 MS. COLE: Objection; form.

7 You may answer.

8 A. No. Because he said Jackie told him.

9 THE REPORTER: He said what?

10 A. Peter said that Jackie -- it was Jackie  
11 talking when -- Jackie told him he didn't want to see us  
12 walking no more.

13 Q. (BY MS. ASHTON) He didn't want to see you  
14 walking anymore?

15 A. He didn't -- not to -- he didn't -- he didn't  
16 want to see me walking with them.

17 They're in the learning process. I have to  
18 tell them what tools to get from the tool crib because  
19 they're not going to know exactly the right tools to  
20 get. So I -- you know, I need to walk with them so I  
21 can show them and tell them which -- the right tools to  
22 get.

23 Q. What -- what type of training did Jamie do with  
24 Glenda and Aileen after he took over mentoring for them?

25 A. The same training I was given.



1 Q. Which was what?

2 A. Show them the rig.

3 Q. Show them what on the rig?

4 A. How to assemble the rig.

5 Q. And you don't know how long Jamie was the  
6 trainer?

7 A. I don't know.

8 Q. I mean, at what point in time do Glenda and  
9 Aileen not need training anymore?

10 A. They had -- they get -- they get interviewed  
11 for that. They get an interview.

12 And I don't know if they -- I don't know if  
13 at that time they were doing the cross training  
14 diversity thing. I don't know -- I don't remember --  
15 recall at that time.

16 Q. So they could have been doing cross training  
17 with Jamie?

18 A. No. No. They go different departments. So  
19 from us, they have to go to a different department.

20 Q. And Jamie is in your department?

21 A. He's in my department, yes.

22 Q. And he's an assembler?

23 A. He's an assembler.

24 Q. Why do you believe that had to do with your  
25 national origin?

1           A. Because I believe Jackie is racist and he's  
2 done --

3                   THE REPORTER: He is what?

4                   THE WITNESS: He's racist.

5           Q. (BY MS. ASHTON) Any other reason?

6           A. Billy, one of my witnesses, Billy Poe, he -- he  
7 told him, and he -- he's -- he's also -- has  
8 conversations with management and how they going to --  
9 how they practice, how they're going to treat us  
10 minorities.

11                   So he told me that he talked -- he had  
12 talked to Jackie and told Jackie to leave me alone.

13           Q. Billy Poe said that he talked to Jackie about  
14 how Jackie treats minorities --

15           A. He didn't say -- he didn't tell me no --

16           Q. Let me finish.

17           A. Okay.

18           Q. Is it -- is what I'm understanding you're  
19 saying is that Billy Poe talked to Jackie about Jackie  
20 treats minorities; is that correct?

21           A. Yes. And he told him to leave me alone.

22           Q. In that conversation Billy Poe told Jackie to  
23 leave you alone; correct?

24           A. Yes.

25           Q. When was that?



1 A. That's in 2018.

2 Q. Did it happen after that?

3 A. It kept happening. He never left me alone.

4 Q. Sorry. The conversation with Billy Poe, was it  
5 just that one time in 2018?

6 A. I don't know how many times he told him, but he  
7 told me he told him -- he had told him to leave me  
8 alone.

9 Q. And you were not part of the conversation?

10 A. I was not part of the conversation.

11 (Exhibit No. 16 marked.)

12 Q. (BY MS. ASHTON) All right. So your --  
13 Dr. Nadeem completed interactive process questionnaire  
14 paperwork in late June of 2022; correct? And you  
15 provided that to the company?

16 A. Oh, yes, yes, yes.

17 Q. Okay.

18 A. I remember. This is the one you're talking  
19 about?

20 Q. Yes.

21 A. Yes. I think that's --

22 Q. This document looks familiar to you?

23 A. I remember taking it -- I think she did it  
24 wrong. I don't -- but some -- I took it back. I don't  
25 know how many -- because she had to fix one thing the

1 first time.

2 Q. So that's what I was going to ask you.

3 A. Okay.

4 Q. Because in this exhibit, the -- if you go to --  
5 you see at the bottom it says Epiroc, and then there's  
6 some numbers afterwards? Right, right here. Epiroc.

7 A. I can't see numbers.

8 Q. So Epiroc 67 -- oh, sorry. I think it's before  
9 that. For some reason it's cut off.

10 At the -- yeah. So this one is -- Epiroc  
11 67 is dated June 22nd of 2022; right?

12 A. Uh-huh.

13 Q. And the next -- there's one right before it and  
14 it's dated June 21, 2022. And I was curious why there  
15 were two forms a day apart.

16 A. One of them she had to fix. And Madison told  
17 me I needed to take -- I remember she had to redo one  
18 again.

19 Q. The doctor did?

20 A. Because they didn't -- they were not  
21 understanding her handwriting or something.

22 Q. Okay.

23 A. So Madison told me to take it again to her.

24 Q. Okay. So I'm looking at Epiroc 65. Yeah.

25 That one.



1 A. Okay.

2 Q. So for No. 2 it says, "From the job description  
3 lists, he will be limited to the top three. He can  
4 fully function for the first three responsibilities  
5 "desig," something "in the sheet but only with his right  
6 hand. He cannot use left hand for performing these  
7 duties. So first three are limited." Is that right?

8 A. Yes.

9 Q. All right. On the next page she identifies  
10 some more restrictions.

11 And then the very last question and line  
12 she writes, "Needs to see orthopedic (hand specialist)";  
13 correct?

14 A. Yes.

15 Q. Okay. And then the last page, before her  
16 signature, she says, "After he sees ortho (hand  
17 specialist) right now he is returned to work but with  
18 restrictions. Will remove the restrictions once ortho  
19 clears him." Is that right?

20 A. Yes.

21 Q. Okay. So this document is saying you still  
22 need light duty; correct?

23 A. Uh-huh.

24 Q. Is that a yes?

25 A. Yes.

1 Q. And Epiroc provided you with the light duty?

2 A. Yes.

3 (Exhibit No. 17 marked.)

4 Q. (BY MS. ASHTON) I'm going to hand you the next  
5 charge. This is Exhibit 17. This is the charge dated  
6 June 29 of 2022. Take a look at that and let me know if  
7 it looks true and correct.

8 MS. COLE: What number is this?

9 MS. ASHTON: 17.

10 MS. COLE: Thank you.

11 Q. (BY MS. ASHTON) This charge is dated June 29,  
12 2022; right?

13 A. Uh-huh.

14 Q. Is that a yes?

15 A. Yes.

16 Q. And that's your signature?

17 A. Yes.

18 Q. And in this charge you check the boxes for  
19 national origin, race, color, discrimination. And then  
20 this is your first charge where you also marked  
21 disability discrimination; correct?

22 A. Correct.

23 Q. And you also marked retaliation?

24 A. Correct.

25 Q. Okay. In this charge you're complaining that



1 Jackie asked you to clean because of the workplace  
2 restrictions that you were on; correct?

3 A. Where?

4 Q. It says, "Peter told me that Jackie asked him  
5 what I was doing. Peter told him he put me to mentor to  
6 which Jackie Gudge said 'no, put him back to  
7 cleaning.'"

8 A. Not because of my restrictions.

9 Q. "I asked why and Peter said, 'I don't know  
10 why.' Scott O'leske told me he heard I'm being  
11 punished. That is the reason why Jackie has me cleaning  
12 the beams, doors, shelves and tables."

13 Do you see that?

14 A. Yes.

15 Q. Okay. "These cleaning assignments are not easy  
16 because I can only use my right hand due to my workplace  
17 injury, of which the company is aware. As a result, I  
18 get tired."

19 Do you see that?

20 A. Yes.

21 Q. Okay. So you were complaining that Jackie was  
22 asking you to clean; is that right?

23 A. Uh-huh.

24 Q. Correct?

25 A. Correct.

1 Q. Okay. What were you cleaning?

2 A. The beams and -- the big old walking beams,  
3 some big old beams, metal beams, that we have, like the  
4 stuff that holds the building, like the -- it's like  
5 metal, kind of like warehouse beams. And the doors --  
6 doors that go up and down.

7 Q. Were you cleaning anything else?

8 A. Pretty much I had to clean. I was cleaning the  
9 whole beams because it was the whole department. I had  
10 to go around cleaning the whole beams.

11 Q. Was anyone else doing cleaning like that?

12 A. On light duty, the Caucasian that I knew he was  
13 doing paperwork. He asked me, why was I cleaning  
14 instead of doing paperwork like him.

15 Q. Okay. Objection; nonresponsive.

16 Was anybody else cleaning?

17 A. Not -- not -- at that time it was just me.

18 Q. At that time it was just you cleaning?

19 A. Cleaning, yes.

20 Q. Who was this other person on light duty?

21 A. Eric Griffin.

22 Q. Eric Griffin?

23 A. Uh-huh.

24 Q. G-R-I-F-F-I-N?

25 A. I think so. I don't know.



1 Q. What was his job title?

2 A. He's a welder.

3 Q. And he reported to who?

4 A. To the -- I don't know his -- I don't know what  
5 supervisor he reported.

6 Q. He was not in your department?

7 A. No. He was first shift. First shift. Yes.

8 Q. Okay. And you said that he was on light duty?

9 A. Yes.

10 Q. How do you know that?

11 A. Because he -- he told me.

12 Q. And as his --

13 A. Because he told me, walking he saw me cleaning  
14 the beams.

15 Q. Okay. When he said that he was also on light  
16 duty, what did he say was his light-duty work?

17 A. Office work.

18 Q. What kind of office work?

19 A. Doing -- putting -- he just said doing paper  
20 and stuff.

21 Q. For how long was Eric Griffin on light duty?

22 A. I didn't -- I didn't ask.

23 Q. For -- do you know if Eric Griffin did anything  
24 else other than office work on light duty?

25 A. No.

1 Q. Okay. If you're not cleaning the beams, who  
2 usually cleans the beams?

3 A. Nobody cleans the beams. Maintenance. There's  
4 people that come clean.

5 Q. There's just the general cleaner?

6 A. Cleaner, yes.

7 Q. What did you want to be doing on light duty?

8 A. Just what I was doing, mentoring.

9 Q. Were there people available to mentor?

10 A. Yes. There were people to mentor.

11 Q. Who?

12 A. Still Miss Glenda and Aileen.

13 Q. Glenda and Aileen were still in need of  
14 mentoring?

15 A. Yes.

16 Q. Anybody else?

17 A. No, not that I know.

18 Q. Okay.

19 A. But I was doing projects -- at the time I was  
20 doing projects for Simon Vargas.

21 THE REPORTER: For Simon....

22 THE WITNESS: Simon Vargas.

23 MS. ASHTON: Vargas.

24 THE WITNESS: He's a supervisor engineer.

25 Q. (BY MS. ASHTON) Well, we're going to talk



1 about that because that's when you were doing the  
2 documentation project.

3 A. No. That was before.

4 Q. So this was before?

5 A. That's before the documents.

6 Q. So Simon Vargas, what's his title?

7 A. He's ME supervisor.

8 Q. Sorry.

9 A. Mechanical engineer supervisor.

10 Q. Oh, ME supervisor.

11 And you were doing some work for him, too?

12 A. Yes. Yes.

13 He saw me cleaning the shelves.

14 He said, "Okay. I've got something better  
15 for you to do and help me."

16 And he gave me a stack of papers for me to  
17 make sure the -- the hardware was on the shelves.

18 Q. To make hardware was on the shelves?

19 A. Yes. All I had to do is just put a check mark.

20 Q. Okay. So how long were you cleaning for?

21 A. Cleaning for a couple of months, yes. For a  
22 couple months.

23 Q. A few months straight you were cleaning?

24 A. I don't really recall the time, but I was  
25 cleaning for -- yes, I was cleaning for a couple of

1 months.

2 Q. Well, because you weren't on this type of light  
3 duty for -- you -- you just got back on this type of  
4 light duty; right?

5 A. Uh-huh. I don't recall how long but I was --  
6 the time that they put me, I was -- I was cleaning, yes.  
7 The time this happened it was -- I was cleaning.

8 Q. So when did Vargas ask for your help?

9 A. When I was cleaning the shelves, when he saw me  
10 cleaning, during the same time, he asked me one time for  
11 help and -- and to help him.

12 Q. Okay.

13 A. When was this? In June, right?

14 Q. Your charge is dated June 29, 2022.

15 A. Yeah. It was around June. Yes, it was in  
16 June.

17 Q. Okay. Yeah. It says on June 13, 2022, is when  
18 all of this happened.

19 A. It was in June, because I think June was the  
20 same thing that I got walked out the first time.

21 Q. June was the same time you went -- so that's  
22 when you went to the hospital?

23 A. Uh-huh. And also got walked out, I think in  
24 June.

25 Q. We're going to talk about that, too, in a



1 second.

2 A. Okay. Okay.

3 Q. I think that's your next charge.

4 You're talking about when they told you  
5 that there's no more light duty available?

6 A. Yes. At the time when I was working with  
7 Simon.

8 Q. Right. Okay. We're going to talking about  
9 that in a second.

10 But for this period of time, so this was  
11 when you went to the hospital, and then you returned  
12 with a clearance note, and they put you back to light  
13 duty. Right?

14 So before you went to the hospital, were  
15 you cleaning beams at that time, or were you mentoring?

16 A. I was cleaning.

17 Q. The whole time?

18 A. I think I was cleaning, yes. I don't remember  
19 if I was cleaning. I -- they had me switching for --  
20 and then -- and then Peter would switch me back to  
21 cleaning.

22 Q. Okay. What does cleaning have to do with your  
23 national origin or disability?

24 A. Because this is what Jackie used to put me to  
25 do back then.

1 Q. But this isn't Jackie telling you to clean.

2 This is Peter telling you to clean.

3 A. But he -- he would tell Peter. He uses Peter  
4 as a messenger to tell me. He didn't -- you know, I  
5 said, Peter -- Peter would tell me, it's from Jackie.  
6 Jackie is the supervisor. So Jackie would tell Peter  
7 to put me to --

8 Because Peter will put me to mentor, and  
9 then Jackie will see me mentoring. He was not happy.

10 So he said, "No, put him back to cleaning."

11 Q. Did you ever hear Jackie himself tell you to  
12 clean, or did it always come from Peter?

13 A. It always came from Peter.

14 Q. Okay. So in early July 2022 Matt and Madison,  
15 Matt Buttacavoli and Madison Farnsworth, the HR person,  
16 informed you that your light-duty project was over, and  
17 there was no more light-duty work for you to perform;  
18 correct?

19 A. Is this on this one?

20 Q. No. This is after this. So I'm done with this  
21 exhibit. I'm asking in July.

22 A. In July.

23 That the project was over?

24 Q. Right. The light-duty project. And there was  
25 no more light-duty work for you to perform.



1 A. Oh, yes. Yes. Yes. Yes. Correct.

2 Q. Okay. And so you met with Matt and Madison to  
3 discuss this?

4 A. Yes. I did meet with Matt and Madison.

5 Q. Okay. And Matt said that he spoke to the  
6 manager of the department, and the manager said there is  
7 no more light-duty work?

8 A. He didn't -- that was -- when he talked to the  
9 manager in the front, that was in November.

10 Q. So you recorded this meeting also; right?

11 A. Yes. But you said in July. That was not in  
12 July.

13 Q. Okay. Hold on one second.

14 I'm talking about a meeting that occurred  
15 in July 2022 with Matt and Madison. Okay. You recorded  
16 that meeting; correct?

17 A. I don't remember. I don't recall that -- that  
18 one.

19 Q. Okay. Do you recall speaking to Matt, and he  
20 said that he spoke to the manager of the department you  
21 were currently doing the light duty for and that there  
22 was no more light-duty work for you to perform?

23 A. Not in July. That was -- I know that was  
24 during the time I did the project with Simon, when he  
25 told me -- whenever he told me he spoke to Simon Vargas,

1 the manager in charge of that department.

2 That happened in November, I think it  
3 happened -- that was when I was doing the -- when they  
4 called me back in August and I was doing the project  
5 with the -- with the engineers. And he told me he spoke  
6 to the manager in charge of that project, that was the  
7 second time they walked me out.

8 Q. Do you recall a documentation project?

9 A. Yes. The documentation. I do recall. That  
10 was back in August.

11 Q. That was -- you said that was in August?

12 A. Yes.

13 Q. That was not the one in July?

14 A. It was not the first time they walked me out.

15 Q. We're going to look at it.

16 (Exhibit No. 18 marked.)

17 Q. (BY MS. ASHTON) I'm handing you Exhibit 18.  
18 This is an email to you from Madison Farnsworth dated  
19 July 8, 2022.

20 Do you see that?

21 A. Yes. The --

22 Q. Okay. And this was after they informed you  
23 that your light-duty work was over and that you were  
24 being placed on leave because there was no work for you  
25 to perform; correct?



1 A. Uh-huh.

2 Q. Is that a yes?

3 A. Yes.

4 Q. Okay. So she says: Thanks for emailing. Glad  
5 you're asking these questions so we can clarify the  
6 meeting Matt and I had with you yesterday.

7 And so the yesterday would have been  
8 July 7, 2022; right?

9 A. Uh-huh.

10 Q. Yes?

11 A. Yes.

12 Q. All right. She said, "First and foremost, you  
13 are absolutely not terminated. We want you to continue  
14 working at Epiroc, and we are doing all we can to ensure  
15 that your employment continues with us." Right?

16 A. Right.

17 Q. And then about midway down the paragraph, she  
18 said, "For this reason, and again, because we want you  
19 to continue working at Epiroc, we offered you a  
20 temporary light-duty position focusing on training and  
21 mentoring. As we discussed with you yesterday, we are  
22 scaling back our operations due to reduced production  
23 needs. In other words, we are slow on parts and in a  
24 lull. For this reason, your light-duty position is no  
25 longer available." Correct?

1 A. Correct.

2 Q. You are not privy to business needs and  
3 operational needs; correct?

4 A. Huh-uh.

5 Q. Is that a no?

6 A. No.

7 Q. So you don't know if the company was scaling  
8 back operations doing -- due to reduced production?

9 A. It was more -- when that happens, there's no  
10 rigs coming in. The line was full.

11 Q. Okay. But you're not familiar with the  
12 business and the production needs yourself; correct?

13 A. No. Correct.

14 Q. Okay. Then the last paragraph she says, "I  
15 want to address the badge issue. As discussed in our  
16 meeting yesterday, it is Epiroc policy to deactivate  
17 badges for employees on leave. This is not punishment;  
18 this is mere procedure.

19 "Once you are able to return to work,  
20 whether it's light-duty work once it becomes available  
21 or your assembler role, your badge will be reactivated.

22 "Edgar, we want you to heal and we want you  
23 to continue working at Epiroc. We value your skills and  
24 your support." Correct?

25 A. Correct.



1 Q. Okay. At this time you had retained  
2 Ms. Ventress; is that right?

3 A. Yes.

4 Q. Okay. Do you recall when you first retained  
5 her?

6 A. I don't recall, but I think it was -- I don't  
7 really recall the date but --

8 Q. And Epiroc placed you on FMLA leave that began  
9 July 8th of 2022; correct?

10 A. They -- I requested FMLA. I asked their --  
11 but, yes, they did.

12 Q. And it started July 8.

13 A. It gave me -- she gave me the paperwork for me  
14 to fill out and send it to her.

15 (Exhibit No. 19 marked.)

16 Q. (BY MS. ASHTON) Okay. All right. This is  
17 your next charge dated July 28, 2022.

18 Take a look at that, and let me know when  
19 you have reviewed it.

20 A. Yes.

21 Q. This charge you marked the boxes for national  
22 origin, race, color and disability discrimination and  
23 retaliation; right?

24 A. Uh-huh.

25 Q. Yes?

1 A. Yes.

2 Q. You complain that the company said that they  
3 can no longer accommodate your restrictions, but the  
4 company was accommodating another employee's  
5 restrictions; is that right?

6 A. Yes.

7 Q. And you say that's Aileen; right?

8 A. Uh-huh.

9 Q. Is that the person we were talking before who  
10 you were training, or is that a different Aileen?

11 A. I think it's the same -- yeah, it's the same  
12 one, I think.

13 Q. Do you know her last name?

14 A. I don't know who -- I don't know.

15 Q. Do you know what job she performed?

16 A. I don't know. But I know she got in a car  
17 accident.

18 Q. Is that why she needed restrictions?

19 A. Yes. She got in a car accident.

20 Q. But you don't know what job she does or did?

21 A. She -- she was working in another department  
22 already when that happened, I think.

23 Q. Okay. So she --

24 A. I think. I don't -- I don't remember.

25 Q. -- she didn't report to Jackie?



1           A. At that time -- I don't remember if she was  
2 still working with Jackie. But then during -- no, I  
3 think she was. I think, yes, she was reporting to  
4 Jackie. That's when Jackie put her in the tool crib, I  
5 think, yes.

6                   THE REPORTER: Jackie put her in....

7                   THE WITNESS: Tool crib.

8           Q. (BY MS. ASHTON) Tool crib?

9           A. Yes.

10          Q. What does that mean?

11          A. That's where the people that hands out the  
12 tools.

13          Q. Okay.

14          A. So they're just scanning tools. Like they're  
15 just scanning, sitting down and scanning stuff. And  
16 your badge, they scan your badge.

17          Q. Okay.

18          A. You ask, I need this. They give it to you.

19          Q. Okay. And was she on restrictions the same  
20 time that you were on FMLA leave?

21          A. I think so, yes.

22          Q. Do you know for sure?

23          A. I think, yes. I think so, yes.

24          Q. So do you know what her job type was? Was she  
25 an assembler?

1 A. She was an assembler, yes.

2 Q. And she reported to Jackie?

3 A. To Jackie, yes.

4 Q. Do you know what her specific restrictions  
5 were?

6 A. I did not know. I don't think she told me.  
7 She had gotten in a car accident.

8 Q. Okay. And you were not part of the  
9 conversations between Aileen --

10 A. No, I wasn't.

11 Q. Let me just finish.

12 You were not part of the conversations  
13 between Aileen and the company regarding her  
14 restriction; correct?

15 A. No, I wasn't.

16 Q. Was there anybody else at the time that you  
17 were aware of who were also on light-duty restrictions?

18 A. At that time, those times, yes. Eric Griffin.

19 Q. Eric we already talked about.

20 A. Yes. Him and -- he also mentioned somebody  
21 else, but I forgot the name.

22 Q. And do you know how long Eric's restrictions  
23 were for?

24 A. For a couple of months because he did -- I  
25 think he injured his muscle in his shoulder.



1 Q. You don't know what his specific restrictions  
2 were?

3 A. No, I do not know.

4 Q. Or his limitations?

5 A. Huh-uh.

6 Q. Is that a no?

7 A. I do not know.

8 Q. Okay. All right. So on August 4, 2022, Epiroc  
9 emailed you about a new position that could accommodate  
10 your restriction; is that right?

11 A. Yes, I think. Yes.

12 Q. And you didn't respond to this email right  
13 away; correct?

14 A. Yes. I did.

15 Q. I'm sorry?

16 A. I think -- I don't remember seeing the email,  
17 but I -- I don't remember responding either.

18 Q. Sorry. I did not hear you.

19 A. I didn't see the email on time. I didn't --  
20 yes.

21 Q. You didn't see the email on time?

22 A. All this -- all this happened whenever Madison  
23 found out that she never sent my paperwork to FMLA. And  
24 I called her to -- I called her to -- I called her  
25 because I didn't get paid for a whole month and asked

1 her -- and she said she -- and I -- and I called UNUM,  
2 and she never send the paperwork that I give her for  
3 FMLA to turn, she never turned it in.

4 Q. Okay. Objection; nonresponsive.

5 You -- you received an email from Epiroc on  
6 August 4th, 2022, informing you that there was a new  
7 position available that could accommodate your  
8 restrictions; right?

9 A. Yes.

10 Q. And you did not respond to that email right --

11 A. I did not respond.

12 Q. Let me just finish my sentence.

13 You did not -- you did not respond to the  
14 email right away; correct?

15 A. Correct.

16 Q. Why?

17 A. I was -- I didn't see it, or I didn't -- I  
18 don't remember.

19 Q. Okay. And you did not show up for work on  
20 August 8, 2022; correct?

21 A. I don't -- I -- I didn't because in order  
22 for me to -- I could not show up to work like I had to  
23 cancel my FMLA first before I do all that, so I  
24 wasn't --

25 Q. The first time you communicated to Epiroc about



1 all of this was August 15th of 2022; correct?

2 A. Correct.

3 Q. Okay. Why did it take you so long?

4 A. I was in the process of doing my own -- my  
5 own -- my own stuff with Unum, because the stuff that  
6 management didn't do for me.

7 Q. But what does that have anything to do with you  
8 returning to work?

9 A. I can't return to work because I was -- I  
10 was -- I was -- the impression I was on FMLA for more  
11 than -- because they wanted me to go back until I get  
12 well. I was --

13 THE REPORTER: They wanted me to go  
14 back....

15 A. Until I finished my restrictions. I was under  
16 the impression that I needed to be full duty in order  
17 for me to go back.

18 Q. (BY MS. ASHTON) Who told you that?

19 A. In that meeting that -- I think that's what I  
20 understood. They didn't have no more work for me. So  
21 then that's when I got FMLA, and I -- because I had  
22 to -- I had to send my FMLA paper and I had to --  
23 because before I did FM -- I have to get -- before I go  
24 to work, I have to go see the doctor, and I have to  
25 go -- and I have to call FMLA, so they can put it on

1 hold. It's not just for one day to another for me to --

2 (Exhibit No. 20 marked.)

3 Q. (BY MS. ASHTON) I handed you Exhibit 20.

4 All right. And I'm going to -- I'm referring to the

5 first -- the email on the first page. This is an email

6 from Madison Farnsworth to you dated August 16, 2022.

7 Do you see that?

8 A. Where is the date?

9 Q. It's the first page.

10 A. Oh, the first page. Oh, okay.

11 Q. It's right at the bottom there.

12 A. Oh, okay.

13 Q. Do you see that?

14 A. Tuesday, August 16. Yes. Okay.

15 Q. And it says, "Edgar, thank you for responding.

16 We need to clarify a few things. I informed you of the

17 availability of this position on August 4. This is the

18 first response I have received from you (twelve days

19 later)."

20 Do you agree with that?

21 A. Yes.

22 Q. And the next page, the paragraph starts, "We

23 still have this light-duty position available for you.

24 I do, however, need to understand the status of your

25 current restrictions. Can you please provide me with



1 the current status of your medical restrictions?"

2 Do you see that?

3 A. Yes.

4 Q. And then in the next paragraph it says, "As to  
5 your comment below about a hostile work environment, we  
6 have investigated every allegation you have made  
7 regarding Jackie Gudgel and we have not substantiated  
8 those allegations. In any event, with respect to this  
9 project you will be reporting to Simon Vargas." Right?

10 A. Uh-huh.

11 Q. Is that correct?

12 A. Correct.

13 Q. So I think before you said that you were doing  
14 some work for Simon prior to this?

15 A. Uh-huh.

16 Q. Light duty?

17 A. Yes.

18 Q. Is that correct?

19 A. Correct.

20 Q. Okay. So when you did go back to work and you  
21 were reporting to Simon Vargas, what kind of work were  
22 you doing?

23 A. Before this or after?

24 Q. No. No. When you went back in August.

25 A. Oh, I was doing the project with them for the

1 230s.

2 THE REPORTER: Doing the project with  
3 them....

4 THE WITNESS: To document. I was  
5 documenting PB 230s. PB 230s.

6 Q. (BY MS. ASHTON) What is that? What did that  
7 require you to do?

8 A. It's -- since that was one of the ones with  
9 more knowledge from that machine because I was the  
10 one -- the only that had knowledge in my department,  
11 building the rig. I was -- I was going to help the MEs  
12 document more better.

13 THE REPORTER: Help the what?

14 THE WITNESS: Mechanical engineers.

15 Q. (BY MS. ASHTON) So it was like -- it was  
16 paperwork, a lot of it?

17 A. Yes. Paperwork and pictures.

18 Q. And pictures.

19 A. Pictures and the right tools and the right  
20 steps to do the job.

21 Q. And you started this new light-duty job  
22 August 17 of 2022?

23 A. I think so, yes.

24 Q. Did you enjoy it?

25 A. I was -- I was -- lot of stress still for



1 everything that I went through.

2 Q. When you were reporting to Simon Vargas, did  
3 you have any interaction with Jackie Gudgel?

4 A. Yes, because I have to go to the stretches.

5 Q. You had to go to the what?

6 A. To the meeting with them, do exercises every  
7 day.

8 Q. Oh, okay.

9 A. Yes.

10 Q. Was that your only interaction with Jackie?

11 A. Yes. Every day. Every day I have to -- yes.  
12 Every day I have to go to my -- to that department, and  
13 then from there, I go to Simon.

14 Q. What is Simon's nationality?

15 A. He told me he was from Columbia.

16 Q. And what's his race?

17 A. Hispanic.

18 (Exhibit No. 21 marked.)

19 Q. (BY MS. ASHTON) I'm handing you Exhibit 21.  
20 Take a look at this, and let me know if this is true and  
21 correct.

22 Did you have a chance to review it?

23 A. Yes. Right.

24 Q. So this charge is dated October 12, 2022. And  
25 is that your signature next to the date?

1 A. Uh-huh.

2 Q. Is that a yes?

3 A. Yes.

4 Q. Okay. Here in this charge you say that a  
5 co-worker named Audrey Lee went to the ER. No one told  
6 her -- and no one told her that her badge was  
7 deactivated; is that right?

8 A. Yes. That one I mentioned earlier.

9 Q. Oh, that's who you mentioned earlier?

10 A. Yeah, I did, yes.

11 Q. Okay.

12 A. When you asked me if I knew anybody that I had  
13 contact.

14 Q. Got it.

15 And sorry. Can you remind me? What is  
16 Audrey's position?

17 A. Assembler.

18 Q. Reporting to....

19 A. I don't know who she reports to. She used  
20 to -- I don't know who she reports to.

21 Q. But not to Jackie?

22 A. Not to Jackie. At first she did to Jackie.  
23 Then she moved.

24 Q. At the time she went to the ER, she did not  
25 report to Jackie?



1 A. She never -- not that I remember.

2 Q. Okay. And Audrey's national origin?

3 A. Do you know, I don't remember if she did. I  
4 didn't remember if that was her that went into the ER  
5 one time in the flowline. I think it was her but I  
6 don't recall.

7 Q. Well, it says July 25, 2022.

8 A. I don't -- I don't recall.

9 Q. Okay. Do you know Audrey's national origin?

10 A. African-American.

11 Q. And her race? Or her national origin? Her  
12 race is African-American. Her race is -- her national  
13 origin -- I'm losing my mind. I'm sorry. Strike that.  
14 Strike that I'm losing my mind.

15 MS. COLE: Let the record reflect....

16 Q. (BY MS. ASHTON) Okay. So here it says,  
17 "Audrey Lee was transported from Epiroc to the ER, and  
18 Epiroc never told her that -- never told her her badge  
19 was restricted or deactivated like I was."

20 You have no knowledge if her badge actually  
21 was deactivated; correct?

22 A. I asked her. I don't know, but I asked her.

23 Q. And she said what?

24 A. She said no.

25 Q. Did she -- how would she know, though?

1 A. Because she was able to go in.

2 Q. If she was able to go in, it's possible she was  
3 cleared to go back to work; right?

4 A. If she was deactivated, she couldn't because  
5 according to what they told me, whoever leaves in an  
6 ambulance cannot go inside the building. It's not -- it  
7 wouldn't work.

8 THE REPORTER: Can't go --

9 THE WITNESS: It will not work to go in.

10 Q. (BY MS. ASHTON) But your badge was deactivated  
11 once you -- once you provided a note that you were  
12 cleared to work; right?

13 A. Yes.

14 Q. So if Audrey was allowed to go back in the  
15 building, it's possible she also provided a note saying  
16 she was released to return to work; correct?

17 A. She said she didn't -- she said they didn't ask  
18 her nothing. She didn't -- she said they didn't ask her  
19 for nothing. Later on she got the paper, I think she  
20 said.

21 Q. But you have no knowledge of when Audrey  
22 actually provided paperwork to Epiroc?

23 A. But not -- the next day she said she was able  
24 to go in with no problem.

25 Q. Okay. Let me just be clear. You have no



1 knowledge of when Audrey actually provided paperwork to  
2 Epiroc; correct?

3 A. Yes, I don't.

4 Q. Okay. Do you know why she went to the ER?

5 A. I don't know why she went to the --

6 Q. Did she have any workplace restrictions that  
7 you're aware of?

8 A. No. I don't know.

9 Q. When did she return to work that you know of?

10 A. The next day I think.

11 Q. You also claim Madison failed to timely submit  
12 your FMLA paperwork; is that right?

13 A. Who?

14 Q. Madison timely --

15 A. Oh, yes. Yes.

16 Q. -- failed to submit your FMLA paperwork?

17 A. Yes. We talked about it earlier, I think, when  
18 you were asking me.

19 Q. And I think you mentioned that it goes through  
20 Unum, which is a third-party?

21 A. Yes. Through Unum.

22 Q. So when you completed your FMLA paperwork,  
23 did -- who did you submit it to?

24 A. To Unum. When I did it on my own, I had to  
25 call Unum and to do it through Unum, yes.

1 Q. Okay. So Madison gave you FMLA paperwork --

2 A. For me to give to her.

3 Q. Okay. Let me -- just one second.

4 A. Okay.

5 Q. Madison gave you FMLA paperwork and then when  
6 you completed the paperwork, you submitted it to Unum  
7 directly?

8 A. After I found out that Madison didn't do it, I  
9 had to do my own claim. Madison was going to do my  
10 claim through Unum.

11 Q. Okay. So then you yourself went online and  
12 completed the paperwork?

13 A. I -- I called. I called them.

14 Q. And do you believe Madison delayed your  
15 paperwork because of your national origin or disability?

16 A. I think it was -- I don't know why she did it.  
17 I guess -- I guess retaliation from my complaints.

18 Q. What makes you believe that?

19 A. Because she didn't do anything to the -- I  
20 remember when I called Unum in August when I went back  
21 to work, when I called Unum August -- when I called Unum  
22 that I was going back to work, that -- they had found me  
23 work. That's when they told me they had received the  
24 paper from my company. That same day that I was going  
25 back to work, that's the same day that they had sent



1 that paper.

2 Q. But what makes you believe Madison would want  
3 to retaliate against you and why would she do it by  
4 delaying your FMLA paperwork?

5 A. Probably from my complaints.

6 Q. But what makes you think that she wants to  
7 retaliate? Why? What's her motive?

8 A. She -- I don't know because they have been  
9 having so many complaints in the company. I told them  
10 the only thing I get is retaliation.

11 Q. But isn't it her job as an HR person to hear  
12 complaints?

13 A. Yes, it is.

14 Q. So why would she retaliate against you for  
15 doing something that is her job to listen to?

16 A. Why? Because I know there's a lot of things  
17 the company -- I know it's racism. I know they do it to  
18 do racist stuff.

19 Q. My question is: How do you know that?

20 A. Billy Poe told me that -- Billy Poe told me  
21 that he had talked to management and how they shared --  
22 how they shared the races against minorities.

23 Q. And that's the conversation you mentioned Billy  
24 had in 2018?

25 A. No. That's recently. A couple months ago.

1 Q. Tell me about that conversation.

2 A. He -- he said that he communicated with  
3 managers -- management and how they were going -- how  
4 they planned to treat us minorities.

5 Q. When was that conversation that Billy had?

6 A. With me?

7 Q. No. No. No. That he had with management.

8 A. I don't -- I didn't ask him what day, when it  
9 was.

10 Q. Who was it with?

11 A. He said a lot of -- he said a lot of big people  
12 they brought.

13 Q. But you weren't there?

14 A. I was not there. Only him.

15 Q. Why were you not there?

16 A. I don't -- he -- he knew them people really  
17 close.

18 THE REPORTER: He knew the....

19 THE WITNESS: The management. He knows  
20 the -- a lot of people at work.

21 Q. (BY MS. ASHTON) If Epiroc wanted to  
22 discriminate against you, why would they offer you a new  
23 light-duty position?

24 A. Why they offer me? I don't know. I think they  
25 were just doing so they can see that, you know, that



1 they're trying to help me.

2 Q. And you're a current employee; right?

3 A. Uh-huh.

4 Q. Is that a yes?

5 A. Yes. I'm a current employee.

6 Q. And you've never received any formal discipline  
7 before; correct?

8 A. From Jackie, the harassment discrimination I've  
9 been getting from Jackie.

10 Q. Objection; nonresponsive.

11 My question is: Throughout your entire  
12 employment since you've been hired in November of 2017,  
13 Epiroc has never delivered to you any sort of formal  
14 discipline?

15 A. For me to sign? No. I have never signed  
16 nothing.

17 Q. Okay. You state also that you learned that a  
18 new hire named Niko replaced you.

19 A. That's what the -- that's what the people -- my  
20 co-workers were telling me when I went back.

21 Q. Your co-worker -- who was your co-worker told  
22 you --

23 A. Scott -- who else? It was Scott and Noe.

24 Q. Who?

25 A. Noe Bedoy.

1 Q. Sorry. Can you -- who is that?

2 A. Noe Bedoy.

3 Q. Noe?

4 A. Yes.

5 Q. N-O-E?

6 A. N-O-E, B-E-D-O-Y. Noe Bedoy.

7 Q. Is Noe an assembler?

8 A. He's an electrician.

9 Q. Okay. So Scott and Noe told you --

10 A. And Curtis. Curtis Williams.

11 Q. Okay. Said that they hired Niko?

12 A. Supposedly that's what they were saying, that  
13 they hired Niko as my replacement.

14 Q. And Niko was hired as what? An assembler?

15 A. Assembler, yes.

16 Q. Do you know Niko's national origin?

17 A. I don't know.

18 Q. Do you know his race?

19 A. Huh-uh.

20 Q. Have you ever met Niko?

21 A. I met Niko but I haven't really got close to  
22 talk to him.

23 Q. Okay. And you were not part of any discussions  
24 regarding Niko's employment; right?

25 A. No.



1 Q. Okay. Do you -- does Niko have a disability  
2 that you're aware of?

3 A. No, that I don't.

4 Q. All right. The second light-duty assignment  
5 ended in early November of 2022. Is that what you  
6 remember?

7 A. What -- what day?

8 Q. November --

9 A. Yes. Yes. Yes. Yes.

10 Q. And as a result, Epiroc placed you back on an  
11 FMLA leave beginning November 14th of 2022; correct?

12 A. That's correct.

13 Q. Then you submitted a note from your doctor  
14 releasing you back to work with no restrictions; is that  
15 right?

16 A. Yes. A week later, I think.

17 Q. A week.

18 A. I was off for the week. Thursday and Friday I  
19 got sick. I had the flu, so I didn't go to work  
20 Thursday and Friday. I went -- when I went back Monday,  
21 that's when they -- they walked me out.

22 Q. Because there was no more work available?

23 A. That's what they said, but according to Simon,  
24 Simon had told me we have work all the way to December.

25 Q. And Simon is who you reported to; correct?

1           A. He was the one that would tell me how long --  
2           how much time that we had left to finish -- to document,  
3           to upload all the information.

4           Q. But Simon was not the manager of the  
5           department; right?

6           A. He was not the manager, but he was in charge of  
7           me.

8           Q. But you have no personal knowledge about the  
9           business decision with respect to your light duty;  
10          correct?

11          A. What do you mean?

12          Q. You don't know what the company was deciding or  
13          what it wanted to do with respect to your light-duty  
14          position or what work was available.

15          A. I think they were retaliating. That's what  
16          I --

17          Q. I know what you believe. But I'm asking if you  
18          have any personal knowledge of company discussions and  
19          decisions with respect to production work and workloads.

20          A. No.

21          Q. Okay. And so about a week after you were  
22          placed back on FMLA leave, you -- you were released to  
23          return to work --

24          A. Yes.

25          Q. -- as an assembler?



1 A. Yes.

2 Q. Okay. And that's what you currently do now?

3 A. Yes, that's what I currently do.

4 Q. Since about November 21st of 2022 through the  
5 present, you've been in your position as an assembler?

6 A. Yes. I've been --

7 (Exhibit No. 22 marked.)

8 Q. (BY MS. ASHTON) I'm going to mark your next  
9 charge as Exhibit 22.

10 I have a couple of questions about this  
11 charge, and we'll take a quick break.

12 This is dated November 23, 2022. And is  
13 that your signature right there?

14 A. Yes, ma'am.

15 Q. Okay. The one -- the allegation here that I  
16 want to talk about is the second-to-last paragraph where  
17 you complained that Jackie yelled at you about taking  
18 off your safety glasses on November 22, 2022.

19 A. Yes.

20 Q. And you didn't receive any discipline for this;  
21 correct?

22 A. No, I didn't.

23 Q. You claim Caucasian workers also took off their  
24 glasses, but Jackie did not discipline them. Who  
25 specifically do you know took off their glasses that

1 Jackie did not discipline?

2 A. That guy William from power pack.

3 Q. William from --

4 A. Power pack.

5 And other Caucasian workers who -- when I  
6 go over there to get parts, Jackie used to be there  
7 talking to them, and I can -- I would see them. I have  
8 to face them when I go get my parts, I would see them  
9 without the safety glasses and on the phone. And Jackie  
10 was just having a conversation with them.

11 Q. Are they in the same area that you are in when  
12 Jackie --

13 A. No.

14 Q. Let me finish my question.

15 Were these people in the same area that you  
16 were in when Jackie yelled at you about your glasses?

17 A. No. They were not in the same area.

18 Q. What area were they in?

19 A. Power pack.

20 Q. Can you say that again?

21 A. Power pack department.

22 Q. Power pack?

23 A. Yes. Engine department.

24 Q. Engine department.

25 A. Yes.



1 Q. And what area were you in when he yelled at you  
2 about the glasses?

3 A. I was in the flowline.

4 Q. Flowline.

5 And are there different safety requirements  
6 in the engine department and the flowline?

7 A. No. It's the same department everywhere. But  
8 I was just cleaning my safety glasses.

9 Q. All right. My question is: Is it possible  
10 that they weren't required to have their safety glasses  
11 on in the engine department, but you were required to  
12 have your safety glasses on in the flowline?

13 A. No. You have to -- as soon as you step on the  
14 floor, you walk in, you're required to have your safety  
15 glasses.

16 Q. Do you know if Jackie has ever disciplined  
17 Black workers for this?

18 A. For -- yes, for that and a lot of stuff.

19 Q. Do -- what about Asian workers? Do you know if  
20 Jackie has ever disciplined Asian workers for their  
21 glasses?

22 A. The only one that I know is Joey.

23 Q. You know he disciplined Joey for taking off  
24 his --

25 A. I don't know --

1 Q. Let me finish my question really quick.

2 You know that Jackie disciplined Joey for  
3 taking off his safety glasses?

4 A. No, not about the safety glasses.

5 Q. Not about the safety glasses?

6 A. Yes.

7 MR. ASHTON: We can take a quick break.

8 THE VIDEOGRAPHER: We're off the record at  
9 3:30 PM.

10 (Recess taken from 3:30 until 3:39.)

11 THE VIDEOGRAPHER: We are back on the  
12 record at 3:39 PM, media five.

13 Q. (BY MS. ASHTON) Mr. Reyna, you understand  
14 you're still under oath?

15 A. Yes, ma'am.

16 (Exhibit No. 23 marked.)

17 Q. (BY MS. ASHTON) I'm going to hand you  
18 Exhibit 23. This is your next charge of discrimination.

19 Take a moment to look at this and let me  
20 know when you are ready to talk about it.

21 I think I said this before. This is dated  
22 March 6, 2023; is that right?

23 A. Yes.

24 Q. Okay. So the first thing I want to talk about  
25 in this charge is you claim you were falsely accused of



1 taking tools. Who accused you?

2 A. I think Razi.

3 Q. I'm sorry?

4 A. Somebody named Razi.

5 Q. Razi?

6 A. Uh-huh.

7 Q. What's Razi's position?

8 A. Position is electrician.

9 Q. When did she accuse you of taking tools?

10 A. I don't remember the time, but she yelled out  
11 my name.

12 Q. She yelled your name?

13 A. Uh-huh.

14 Q. What makes you believe she believed you were  
15 taking tools?

16 A. I had already gone to work. I don't know what  
17 made her believe.

18 Q. What is Razi's race?

19 A. She told me she was from, I think, Iran I  
20 remember. She told everybody when she -- at first.  
21 Because she was an engineer, at first she worked with  
22 the engineers, and then they moved her with us.

23 Q. Okay. Anyone else accuse you of taking tools,  
24 or just Razi?

25 A. That I know before was -- her was William, the

1       guy from the engine department.

2               Q. William also accused you of taking tools?

3               A. That's -- that's why whenever I got restricted  
4 from Jackie not to -- not to go through the engine  
5 department.

6               Q. And remind me, when was that?

7               A. That was a while back. The engine department  
8 was a while back.

9               Q. Anyone else other than Razi and William?

10              A. No.

11              Q. Okay. You said you were repeatedly denied  
12 overtime. So first when you were on light duty, you're  
13 not eligible for overtime; correct?

14              A. Correct.

15              Q. So you only had overtime when you were on full  
16 duty?

17              A. Uh-huh.

18              Q. Is that right?

19              A. Yes.

20              Q. Okay. When were you denied overtime?

21              A. The overtime was a while, when I started  
22 working like around -- a long -- for a long while, like  
23 from 2018, 2019 all the way through. Sometimes, yes;  
24 sometimes, no. I had to beg for it.

25              Q. Let me back up a second.



1 A. Okay.

2 Q. So 2018 and 2019.

3 A. 2018, 2019.

4 Q. What about more recent?

5 A. 2021, 2022. And 2022 I couldn't because I was  
6 on light duty. So 2020 -- when I went back to full duty  
7 was in November 20 something. Right? So 2023. Yes.

8 Q. So 2023 you were denied overtime?

9 A. Yes. Originally, yes.

10 Q. When?

11 A. I think -- I remember asking -- I work, and  
12 then I asked Ricochet, Thang Nguyen.

13 THE REPORTER: I asked....

14 THE WITNESS: Thang Nguyen.

15 MS. COLE: Excuse me. He's using his  
16 nickname, Ricochet.

17 THE WITNESS: Yeah. They call him  
18 Ricochet.

19 Q. (BY MS. ASHTON) Is Ricochet the same person  
20 as --

21 A. Thang Nguyen.

22 Q. -- T-H-A-N-G.

23 A. Thang. Yes. Yes.

24 Q. N-G-U-Y-E-N?

25 A. Right.

1 Q. Oh, okay. So that's Ricochet's -- that's his  
2 middle -- his nickname?

3 A. He tells everybody that, that they cannot  
4 pronounce his name, so he tells them to call him -- they  
5 call him Ricochet.

6 Q. So Ricochet denied you overtime in 2023?

7 A. Yes.

8 Q. What -- when?

9 A. I don't remember. I remember -- I can't  
10 remember the exact time but it was overtime --

11 Q. How -- how many times did they deny you  
12 overtime in 2023?

13 A. A couple of times, I think.

14 Q. Who's in charge of selecting overtime workers?

15 A. This is what one of the leadmen told me.  
16 Chris, Chris Hoang, the leadman, he told me that they  
17 take the list, but the supervisors at the end, they're  
18 the ones that make the decision.

19 Q. Because overtime is voluntary; right?

20 A. It's -- it's supposed to be voluntary, but they  
21 don't take -- some -- some management abuse the power,  
22 but they just pick whoever they want to pick.

23 Q. Let me -- let me start from the beginning.

24 Overtime for Epiroc is voluntary?

25 A. Supposed to be voluntary, yes.



1 Q. Okay. And so in order to express that you want  
2 overtime, you have to sign up for the weekend; right?

3 A. They go around asking you.

4 Q. Okay. So the leadmen go around?

5 A. They go around asking.

6 Q. And then if you want overtime, you ask to be  
7 put on the sheet; correct?

8 A. Yes.

9 Q. Okay. And then if you're put on the sheet,  
10 your -- it's your testimony that that doesn't guarantee  
11 overtime?

12 A. It doesn't guarantee until your supervisor sees  
13 it.

14 Q. So then the sheet is given to the supervisor,  
15 and the supervisor decides who gets overtime?

16 A. According to Chris Hoang, that's what he told  
17 me, yes.

18 Q. So you don't actually know --

19 A. I don't know.

20 Q. Let me get the question out.

21 You don't know personally how overtime is  
22 given; correct?

23 A. I just know that it's the supervisor that makes  
24 the decision.

25 Q. How do you know that?

1 A. It's been more people that tell me that.

2 Q. And is that the only way that you know that?

3 A. Yes.

4 Q. When was the last time you had overtime?

5 A. I was on light duty. The last time -- I've  
6 been -- the last time like --

7 Q. Yeah.

8 When did you do overtime most recently?

9 A. I just -- last weekend.

10 Q. So you had overtime last weekend?

11 A. With my new supervisor, yes.

12 Q. Okay. When Jackie was a supervisor, did you  
13 have overtime before he was -- he retired?

14 A. I was on light duty when he retired.

15 Q. So didn't Jackie retire summer of 2023?

16 A. 2023. That's when I was --

17 Q. Hold on. Hold on. Hold on.

18 Jackie retired last summer; correct, 2023?

19 A. I think it was -- I don't remember what time,  
20 but I was on light -- in 2022, I was on light duty.

21 Q. Right.

22 2022 you were on light duty. And so you  
23 were not eligible for overtime anyway; correct?

24 A. Yes.

25 Q. So then you went back to being full time



1 November 21st of 2022; right?

2 A. Uh-huh. Yes. Yes.

3 Q. And then Jackie retired summer of 2023?

4 A. 2023. Yes. You're right. You're right. Yes.

5 Q. Okay. So from the time you were released to  
6 full duty in November of 2022 through December of 2023,  
7 did you have any overtime?

8 A. Some. I did a -- I did one or two times, but  
9 I -- at one time I didn't because supposedly, according  
10 to Ricochet, he said if I needed overtime, I had to go  
11 ask Mr. Earl.

12 Q. Did you go ask Mr. Earl?

13 A. I didn't because I told him there was --  
14 because I got ahold of the -- I got ahold of the list,  
15 and there was overtime. It was the people that came  
16 with me, they came the next week.

17 And he told me if I needed to go ask -- if  
18 I needed it so bad, to ask Mr. Earl.

19 And I told him, there's no point for us  
20 minorities to always go ask Mr. Earl for overtime when  
21 there's overtime in our department.

22 Q. Okay. Let me just make sure I'm understanding.

23 You did not ask Earl for overtime?

24 A. I did not. Huh-uh.

25 Q. Okay. And can you recall any specific time

1 where you put your name on the sheet that you wanted to  
2 voluntarily sign up for overtime but then you did not  
3 receive the overtime?

4 A. You can't put your name, because they -- they  
5 check you. They go around with the name -- your name  
6 already there. They just check you.

7 Q. Okay. So can you recall a specific time when  
8 they checked your name as indicating you wanted  
9 overtime, but then you did not receive the overtime?

10 A. No. I know they skipped me. They didn't stop  
11 at my rig when they were asking.

12 Q. So they didn't -- they didn't stop to even ask  
13 you, is your testimony?

14 A. They didn't stop. Yes.

15 Q. Did you ever go to them and say, hey, I want  
16 over --

17 A. Yes. When I --

18 Q. Hold on. Let me finish my question.

19 So it's your testimony that they skipped to  
20 even ask you if you wanted overtime; correct?

21 A. Uh-huh.

22 Q. Is that a yes?

23 A. Yes.

24 Q. When they did that, did you then go to them and  
25 say, hey, I actually did want overtime?



1 A. Yes.

2 Q. When was that?

3 A. When -- I don't remember the time. That was  
4 the time I asked Thang Nguyen about it.

5 Q. And did you get the overtime?

6 A. I didn't get it.

7 Q. When was this?

8 A. I don't recall the time, but I didn't get it.  
9 I did not get the overtime.

10 And he said if I wanted it, to go ask  
11 Mr. Earl.

12 And I told him, why is it always --  
13 Mr. Earl has known to give overtime to all the  
14 minorities on second shift from different departments.

15 Q. So Ricochet said, if you want overtime, go ask  
16 Earl for overtime?

17 A. Yes.

18 Q. But you did not ask Earl?

19 A. I did not ask Earl.

20 Q. Okay. Is there any time that you can recall  
21 where you indicated you wanted overtime but did not get  
22 overtime?

23 A. There is, but I don't remember the times.

24 Q. You don't remember the what?

25 A. The dates and the time.

1 Q. Okay. Is it your contention that you were  
2 denied overtime because of your national origin or race?

3 A. Yes.

4 Q. And what makes you believe that?

5 A. Because it was Jackie's decision. I know  
6 Jackie doesn't -- has issues with me.

7 Q. But you already testified that you sometimes  
8 got overtime under Jackie --

9 A. Yes.

10 Q. -- right?

11 A. Yes.

12 Q. So why would -- if he wanted to discriminate  
13 you because of your national origin or race, why would  
14 he give you overtime sometimes but not other times?

15 A. I don't know. He does that to certain people.

16 Q. Who's the other people he does that to?

17 A. Noe. Noe Bedoy.

18 Q. What is -- and you said Noe's national origin  
19 is what?

20 A. Hispanic.

21 Q. Who else does he do it to?

22 A. To usually we -- mostly to -- like Curtis and  
23 Miss Glenda. We have complained. So they do it to the  
24 ones that complain. They take the overtime away when  
25 you complain. They've done it to Gustavo Sanchez too.



1 He's from --

2 Q. Gustavo Sanchez?

3 A. Sanchez. Yes.

4 Q. Gustavo, what is his position?

5 A. He was an assembler.

6 Q. Under Jackie?

7 A. Under Jackie. Under Peter. That's -- under  
8 Peter.

9 Q. Not under Jackie?

10 A. Not under Jackie.

11 Q. Okay. Have -- are you aware of any Caucasian  
12 employee being denied overtime?

13 A. No.

14 Q. But you don't know for sure if that's ever  
15 happened; correct?

16 A. I don't know for sure. I just know that being  
17 denied to something, minorities that have complained.

18 Q. Okay. You then say that you were asked to set  
19 up the 270 frame on a rig mover, and that it was just  
20 you and two trainees; right?

21 A. Yes.

22 Q. And describe to me why you need six employees  
23 to do that.

24 A. Because the 270 is one of the biggest rigs that  
25 we're building on the flowline, and you need to -- you

1 need to have your -- you need to have the rig mover set  
2 up for the 270 because the -- the rig mover comes in  
3 assembled. You have to disassemble some parts in order  
4 for you to put the 270 in. And you have to do it before  
5 you pick up the frame.

6 But I was so nervous because the week  
7 before six -- six knowledgeable people --

8 THE REPORTER: Six what?

9 A. Six knowledgeable employees got -- got wrote up  
10 for making an error on that machine, setting it on the  
11 rig mover.

12 Q. (BY MS. ASHTON) But you did not make an error;  
13 correct?

14 A. I did not make an error. I was praying to God.  
15 I feared for my life. I did. I was so scared because I  
16 had two new employees with no knowledge.

17 And I was -- I told Peter I was scared.  
18 And he said he didn't have nothing else for me. But the  
19 week before I had gone to complain to HR.

20 Q. So Peter told you to do this.

21 A. Yes.

22 Q. It was not Jackie?

23 A. It was not Jackie. It was Peter.

24 Q. And at this time -- because at one time you  
25 believe Peter was trying to help you, but at this time



1 you think Peter was trying to discriminate against you?

2 A. At first in the beginning he told me, "This is  
3 not going to stop, Edgar. HR is going to be on Jackie's  
4 side. I'm going to be honest. HR is going to be on  
5 supervisor's side, not your side. So your best thing to  
6 do is get a punching bag and punch the stress out at  
7 home."

8 Q. Okay. But -- so you think he was trying to  
9 retaliate against you by assigning you and two of your  
10 trainees to set up this 270 frame on a rig mover?

11 A. Yes. Because he knew there was an accident the  
12 week before.

13 Q. Have you ever seen other -- fewer than six  
14 employees do that?

15 A. No. I haven't seen that, just -- I heard about  
16 the write-up that happened the week before with four,  
17 five or six employees. I couldn't tell, but it was more  
18 than four, and they got a warning.

19 Q. But you -- again, you did not get written up  
20 for anything?

21 A. I did not get written up. But I was afraid  
22 since -- six of the knowledgeable people, or four or  
23 five, got -- made a mistake. I was afraid to make one.

24 Q. You then claim that Thang Nguyen separated you  
25 from your trainee on a rig; right?

1 A. Yes.

2 Q. So you -- so your trainee went on one rig, and  
3 you went on another rig; right?

4 A. Yes.

5 Q. But he was still your trainee; is that right?

6 A. No more. He wasn't my trainee no more. He  
7 took it away.

8 Q. Who was the trainee?

9 A. It was Cesar.

10 Q. Who?

11 A. Cesar.

12 Q. Scissor?

13 A. Cesar.

14 Q. Cesar.

15 A. Yes.

16 Q. All right. What's Cesar's last name?

17 A. I don't know his last name.

18 Q. And when was this?

19 A. I don't recall at the time. I don't recall.

20 Q. I think you said this was February 2 of last  
21 year.

22 A. Okay.

23 Q. And how long did you train Cesar for?

24 A. I trained him for a couple months. I trained  
25 him on the 230s, him and Kelton.



1 THE REPORTER: Him and who?

2 THE WITNESS: Kelton.

3 THE REPORTER: Kelton.

4 Q. (BY MS. ASHTON) Is that a name?

5 A. Yes. Kelton.

6 Q. After you trained Cesar, who started training  
7 Cesar?

8 A. Nam Lee.

9 Q. Who?

10 A. Nam Lee.

11 Q. N-A-M L-E-E?

12 A. Yes.

13 Q. Nam Lee, what is his national origin?

14 A. He's from Vietnam.

15 Q. Vietnam.

16 How long did Nam Lee train Cesar?

17 A. He took him -- he took -- he took over him.

18 Q. Well, Nam Lee is not an assembler; right?

19 A. He's an assembler, yes.

20 Q. Under Jackie?

21 A. We were all under Jackie at that time I think,  
22 yes.

23 Q. So Nam Lee was one of the assemblers I guess we  
24 did mention before?

25 A. Yes.

1 Q. And do you know why Cesar was moved and not  
2 Nam Lee?

3 A. That just came out of nowhere because that --  
4 what Ricochet said is too many of you on the machine.

5 I said, okay. That's -- I -- you know, I  
6 just follow orders. Okay. That's fine.

7 And I went to the machine he told me. When  
8 I come back, there's three more people added to that  
9 machine that I was taken off. That's why I'm alive. I  
10 was like, okay.

11 Q. Did you ask him, Hey, I thought there were too  
12 many people?

13 A. Yes, I did. He said not to worry about it.

14 Q. Okay. Because he was the supervisor?

15 A. He's the leadman.

16 Q. Or the leadman?

17 A. Yes.

18 Q. Okay. And so it was up to him to make those  
19 decisions?

20 A. I don't know who it was up to but --

21 Q. Do you believe that Thang Nguyen wanted to  
22 discriminate against you by separating you from your  
23 trainee?

24 A. I know they all do things -- in the past they  
25 just do what Jackie tells them to do.



1 Q. So you believe that they're all Jackie's  
2 puppets?

3 A. Yes.

4 Q. What makes you -- I mean, what evidence do you  
5 have of that?

6 A. I look -- work with other employees have told  
7 me that.

8 Q. All right.

9 A. Curtis Williams, Glenda Randall, Noe Bedoy and  
10 Thomas Simmons.

11 Q. You also claim that Peter Chung refused to sign  
12 off on paperwork to give you a day off.

13 A. Yes.

14 Q. Did you actually take that day off though?

15 A. I don't remember if I did. But he just -- I  
16 didn't -- because I remember Scott telling me that he --  
17 his paper got signed.

18 So I said -- I remember Scott O'leske  
19 saying that his paper -- his vacation form did get  
20 signed. But when I asked Peter for mine, he said he  
21 didn't want to sign mine because he didn't want his  
22 signature to end up on the streets.

23 Q. He said that directly to you?

24 A. Yes, directly to me.

25 Q. Did you ask him what he meant by that?

1 A. And I asked him, yes.

2 And I said, "What do you mean by that?"

3 And he said, "Yes, I don't want my  
4 signature out on the streets."

5 And that -- that was it.

6 Q. But you don't recall if you actually got the  
7 day off?

8 A. I don't recall, yes.

9 Q. Do you know what day you were asking for?

10 A. I don't -- I don't know.

11 Q. Okay. You then claim management began to  
12 document how long, quote, we used the restroom, how long  
13 we talk to others, et cetera.

14 Who is this in management that started  
15 documenting this?

16 A. The paper they told us, he came from -- they  
17 showed it to us. We pulled the stretches --

18 Q. Who's "they"?

19 A. Our leadmen. Our leadmen.

20 THE REPORTER: Say it again.

21 MS. ASHTON: Who?

22 THE WITNESS: Thang Nguyen. Thang Nguyen.

23 MS. ASHTON: Leadman.

24 Q. (BY MS. ASHTON) Leadman.

25 So the leadmen showed you a paperwork and



1 said we have to start documenting these things?

2 A. Yes. Because every time there's like a new  
3 thing they got going on, they show you the paper, like  
4 the project they got going on.

5 Q. Who's "we," when you said "we"?

6 A. Our employees.

7 Q. So they were documenting everybody?

8 A. Yes. Right.

9 Q. How long everyone used the restroom.

10 A. Yes.

11 Q. How long everyone talked to other people.

12 A. Yes.

13 Q. It wasn't just you?

14 A. It wasn't actually --

15 Q. It was the Caucasian employees, too?

16 A. Everybody. I guess everybody, yes.

17 Q. Okay. So when Jackie resigned in summer of  
18 2023, you started reporting directly to Peter?

19 A. Yes.

20 Q. Peter became the new supervisor?

21 A. Yes.

22 Q. And you -- at that time you believe Peter  
23 wanted to discriminate against you?

24 A. He was coming at me already before -- with --  
25 with -- because Jackie was training him. Jackie was

1 training him.

2 Q. So you again believed that Peter was influenced  
3 by Jackie?

4 A. Yes.

5 (Exhibit No. 24 marked.)

6 Q. (BY MS. ASHTON) Okay. I'm going to hand  
7 you -- I think this is your last charge. This is  
8 Exhibit 24.

9 Let me know when you're ready to talk about  
10 it.

11 This charge is dated June 26th of 2023;  
12 right?

13 A. Yes.

14 Q. And this is the last charge that you filed with  
15 the EEOC; correct?

16 A. Correct.

17 Q. Many of the allegations included in this charge  
18 were repeated from prior complaints; right?

19 A. Uh-huh.

20 Q. Is that a yes?

21 A. Yes.

22 You asked me some of these questions that I  
23 was reading already.

24 Q. Right. We've already talked about some of the  
25 things that were in here.



1 A. Some of these things.

2 Q. Okay. So I'm going to talk about some of the  
3 things that we haven't discussed yet.

4 I'm going to begin in the part -- in the  
5 middle of the narrative box where it says on March 9,  
6 2023.

7 Do you see that?

8 A. Yes.

9 Q. Okay. It says -- the second sentence starts,  
10 "Peter offered me a tester position instead of the  
11 leadman position I was trying to apply for."

12 Did I read that correctly?

13 A. Yes.

14 Q. At the very beginning of the deposition we were  
15 talking about that you applied for a tester and then you  
16 applied for a leadman; right?

17 A. Uh-huh.

18 Q. Is that a yes?

19 A. Yes.

20 Q. But that -- I was under the impression that was  
21 years ago.

22 A. Yes. It was. Yes.

23 Q. Okay. So when did you apply for the leadman  
24 position that you recall?

25 A. I was -- I was -- I hadn't applied. I was

1 about to. I was asking Peter, because that was  
2 Peter's -- that was Peter's replacement. Peter became  
3 supervisor right now so his position is open.

4 Q. Why would Peter offer you the tester position  
5 if he wanted to discriminate against you?

6 A. He -- he didn't ask me. He was asking people  
7 what they want to do because to him it seems like -- to  
8 him, he said -- he say, I don't have future in -- he  
9 looks out -- he looks at us. He looks at me and the  
10 other co-workers, he doesn't see a future. That's why  
11 he was asking me if I want to be a tester.

12 Q. I'm going to object as nonresponsive.

13 My question is: It says, "Peter offered me  
14 a tester position."

15 Why would Peter offer you that position if  
16 he wanted to discriminate against you?

17 A. I don't know.

18 Q. And then it says, "Instead of the leadman  
19 position I was trying to apply for," what do you mean  
20 "trying to apply for"?

21 A. I was -- I was feeling comfortable to apply for  
22 his position that was going to be open. But he said --  
23 he said he already had people lined up, I think.

24 Q. Who did he ultimately hire as leadman?

25 A. For -- for his position?



1 Q. Because Peter was promoted to supervisor to  
2 replace Jackie.

3 A. Yes.

4 Q. So then Epiroc had to replace Peter; right?

5 A. Yeah.

6 Q. So who was hired to replace Peter?

7 A. Oh, they hired a guy that came from California.  
8 Jamie. Jamie.

9 Q. Jamie or Jamie?

10 A. Oh, Jamie. Jamie. Jamie.

11 Q. Is that the Jamie --

12 A. No. No. It's a different Jamie. His name is  
13 Jamie, yes. I'm sorry.

14 Q. Jamie. What's Jamie's last name?

15 A. I don't know his last name. I don't know.

16 Q. What's Jamie's national origin?

17 A. He's -- I don't know. I haven't really talked  
18 to him that much. But he says he's Chicano, I think.

19 Q. Chicano?

20 A. He don't know Spanish. Yes.

21 Q. But he's Mexican but he doesn't know Spanish?

22 A. He doesn't know Spanish.

23 Q. But he -- but y'all share the same national  
24 origin?

25 A. I haven't talked to him that much, but

1 he said he -- because the only thing he said he came --  
2 they brought him from California.

3 Q. Okay. What makes you believe he's Chicano?

4 A. He told us he doesn't know Spanish.

5 Q. Okay. Were you -- did you actually submit an  
6 application --

7 A. I didn't do nothing.

8 Q. Let me just finish my question.

9 Did you actually submit an application for  
10 the leadman position?

11 A. I didn't.

12 Q. Okay. In the next one, March 24, 2023, "Chris  
13 Hoang, my leadman, tried to sign me up for overtime work  
14 at the rigs because I have knowledge working on it, but  
15 Thang Nguyen refused claiming I don't have the  
16 knowledge, which is false."

17 A. Uh-huh.

18 Q. Okay. So let me make sure I'm understanding.

19 So Chris Hoang --

20 A. Chris Hoang, yes.

21 Q. -- Hoang wanted you to work overtime on the  
22 rigs. Did you want to work overtime?

23 A. Yes.

24 Q. But Thang Nguyen said you cannot work the  
25 overtime?



1 A. Yes.

2 Q. And this was on March 24, 2023?

3 A. Uh-huh.

4 Q. Why would he say that you couldn't work  
5 overtime? Why would he not want you to work overtime?

6 A. I don't know.

7 Q. Do you believe it's because of your national  
8 origin or race?

9 A. It is. They're retaliating because it was on  
10 the rig -- it was on the DMs, the ones we used to build  
11 in the lowland light. It's the ones that have  
12 knowledge --

13 Q. But why would Thang Nguyen, also known as  
14 Ricochet, want to discriminate against you?

15 A. Because he's seen Jackie's done it so he feels  
16 comfortable doing it.

17 Q. Any other reason?

18 A. No.

19 Q. Okay. So you also submitted a complaint  
20 through SpeakUp; right?

21 A. That one was really scary. Yes, I did.

22 Q. Sorry. What was that?

23 A. I was scared about that one because it's  
24 corporate. But I did, yes. I did send -- nothing is  
25 getting fixed. I did send it. I decided, you know

1 what? I'm going to send an email to corporate.

2 Q. Was that the first time you submitted --

3 A. Yes, the first time.

4 Q. Let me ask -- let me just finish the question.

5 Was that the first time you submitted a  
6 complaint through SpeakUp?

7 A. Yes.

8 (Exhibit No. 25 marked.)

9 Q. (BY MS. ASHTON) Okay. I'm going to give you  
10 this Exhibit 25, and I just want to confirm that this is  
11 the response you received to your SpeakUp complaint.

12 This is dated August 31, 2023; correct?

13 A. Yes. Correct.

14 Q. Okay. And it says "company response" at the  
15 top; right?

16 A. Yes.

17 Q. And it says, "Dear Edgar, Thank you for your  
18 recent inquiry. After review of your file and the prior  
19 investigation following your previous and similar  
20 complaint, we would need to confirm whether there has  
21 been some new event that you feel has occurred in the  
22 workplace or if this call relates to your prior  
23 complaint which was investigated and of which you were  
24 informed of the result and closure on May 2, 2023."

25 Did I read that correctly?



1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 Q. Did you provide more information and details  
5 about a new event to SpeakUp?

6 A. Did I -- did I email them again? I think I  
7 did. I don't remember -- I don't recall if I sent them  
8 another email.

9 Q. Did you provide them with more details and  
10 information like they're saying here for them to  
11 investigate?

12 A. Is there a [reading to himself].

13 I don't -- I don't recall.

14 Q. You don't recall if you provided more  
15 information?

16 A. No.

17 Q. Okay. And then it says, "As you know, Epiroc  
18 did investigate your past complaint submitted through  
19 this line and none of your concerns were substantiated."  
20 Right?

21 A. Yes.

22 Q. Do you have reason to believe why the Epiroc  
23 group compliance people would want to discriminate or  
24 retaliate against you?

25 A. Because they have done it before.

1 Q. Who is it?

2 A. They just did it again to -- they fire people  
3 in --

4 Q. I'm going to object as nonresponsive.

5 My question is: Who is part of the Epiroc  
6 group compliance?

7 A. Who is part of it? I don't know.

8 Q. You don't know their names?

9 A. I don't know their names. But that's supposed  
10 to be the hotline that you reach out for help when  
11 they're not solving issues at work.

12 Q. And what makes you think that these  
13 unidentified individuals wanted to discriminate or  
14 retaliate against you?

15 A. Because they've done it in the past.

16 Q. To you directly?

17 A. Not -- to other people. Not to me.

18 Q. Have you applied for any jobs within Epiroc  
19 other than the one we talked about at the beginning of  
20 the deposition?

21 A. What do you mean?

22 Q. Have you applied for any jobs within Epiroc?

23 A. No. No. Only the tester and leadman. That's  
24 it.

25 Q. The what? The two that -- the tester and the



1 leadman, the two that we've talked about?

2 A. Yeah. That's it. Yes.

3 Q. Have you applied for any transfers?

4 A. No, I haven't. Oh, I did one time.

5 Q. When?

6 A. Oh, one time whenever I gave up, and I said  
7 this is not going to get fixed.

8 I tried to transfer to first shift, but it  
9 was -- I don't know the year. But it was Tommy --  
10 Tommy -- it was Tumi, last name was Tumi, supervisor  
11 named Tumi, first shift supervisor when I was on second.

12 But I went there, and in the interview he  
13 said that he didn't want me to bring my problems from  
14 second shift to first shift. He don't -- he don't  
15 like -- he don't like problems, so not to bring my  
16 problems I was giving to Jackie to first shift.

17 Q. You don't recall when that was?

18 A. I don't recall when it was. But I never got  
19 called back no more.

20 Q. Was it your -- was it before or after your  
21 injury?

22 A. It was way before my injury, way before.

23 Q. Way before your injury?

24 A. Yeah, because that guy retired a while back.

25 Q. Okay.

1 A. Yes.

2 Q. So other than this initial transfer request,  
3 did you ever try to transfer again?

4 A. No, I gave up. I didn't. I didn't. I gave up  
5 on a lot of stuff.

6 Q. And we talked about that you've never applied  
7 for any jobs outside of Epiroc either; right?

8 A. No, ma'am.

9 (Exhibit No. 26 marked.)

10 Q. (BY MS. ASHTON) I'm going to mark your  
11 complaint as the next exhibit. This is Exhibit 26.

12 I assume this document looks familiar to  
13 you.

14 Is this a copy of the amended complaint you  
15 filed on June 21, 2023?

16 A. See the date. Yes.

17 Q. Did you draft this complaint?

18 A. What do you mean "draft it"?

19 Q. Did you assist in drafting the words and  
20 allegations --

21 A. Yes.

22 Q. -- and facts that were incorporated?

23 A. Reading and everything?

24 Q. Correct.

25 A. Yes. Yes.



1 Q. Did you review it before it was filed?

2 A. Yes, I did.

3 Q. Is everything in here true and correct?

4 A. Yes.

5 Q. I'm going to go to Page 7.

6 A. Page 7.

7 Q. Where it starts "Causes of Action."

8 Let me know when you're there.

9 So the first cause of action here says,  
10 "National origin discrimination in violation of  
11 Title VII, the TCHRA and 42 USC 1981," correct?

12 A. Uh-huh.

13 Q. Okay. Is that a yes?

14 A. Yes.

15 Q. And so you're claiming here that Epiroc  
16 discriminated against you based on your national origin;  
17 right?

18 A. Yes.

19 Q. And who do you believe discriminated against  
20 you because of your national origin?

21 A. The whole -- everybody at Epiroc.

22 Q. All of Epiroc?

23 A. Yeah. Everybody. Yes.

24 Q. Have we discussed all the ways you believe you  
25 have been discriminated against because of your national

1 origin?

2 A. Huh?

3 Q. Have we discussed all the ways you believe you  
4 have been discriminated against because of your  
5 national origin?

6 A. You mean right now?

7 Q. In the deposition today. Correct.

8 A. I don't -- I think we have.

9 Q. Can we go to Page 8, the next page.

10 Paragraph 46, do you see that? You include  
11 some bullet points here. And so can you please review  
12 the bullet points, and if there is anything that we  
13 haven't discussed, let me know so we can talk about  
14 that.

15 A. Yes.

16 Q. It continues on the next page, too.

17 A. Yes.

18 Q. Is there anything that you believe we have not  
19 discussed?

20 A. That one, "Confronting plaintiff for reporting  
21 to HR."

22 Q. Okay. "Confronting plaintiff for reporting to  
23 HR."

24 Okay. So when were you confronted for  
25 reporting to HR?



1 A. I think in March.

2 Q. Of what year?

3 A. 2023. I think 2023.

4 Q. Who confronted you?

5 A. Alphonso Tyson, HR manager.

6 Q. And what did Alphonso say?

7 A. He said he had enough of my complaints.

8 Q. Was this conversation recorded?

9 A. I don't recall. I don't recall. But he told  
10 me -- he was trying to -- he was -- he was asking me  
11 about a complaint, but I was embarrassed because my  
12 co-workers were hearing everything.

13 And he was ask -- he was bringing up some  
14 of the complaints, but I couldn't figure out which one  
15 he was referring to.

16 That's when he started getting aggressive.  
17 And he told me, "You know what? I've ha enough of your  
18 complaints. I'm over it."

19 He said he was going to talk to Matt.

20 Q. He said, "I've had enough of your complaints.  
21 I'm over it. I'm going to go talk to Matt"?

22 A. Yes. Yes. Yes.

23 Q. And then what happened?

24 A. I talked to Matt. And I told Matt what  
25 happened.

1 He said, "He was wrong. I'm going to have  
2 to -- I'm going to tell him to come apologize."

3 So he came to apologize.

4 Q. And what did he say specifically?

5 A. He said sorry for coming at me like that. He  
6 shouldn't have done it. And the reason why he did it is  
7 because his mom passed away.

8 And I told him, "Well, you guys tell us  
9 every day not to bring our personal problems to work.  
10 Every day we get told at work not to bring us -- don't  
11 bring your personal problems to work and take them out  
12 on other people."

13 And he say, "Yeah. I know we say that  
14 but," he -- he said he was -- he just said he was sorry.

15 Q. And Alphonso, what's his national origin?

16 A. He's -- he's African-American.

17 Q. What's his race -- or what's his national  
18 origin?

19 A. I don't know.

20 Q. Okay. Do you believe Alphonso was intending to  
21 discriminate against you?

22 A. He was -- he told me he had enough. And that  
23 said it all when he said, "I have enough."

24 And that meant he was over it.

25 Q. And is that the entirety of your evidence that



1 Alphonso was trying to discriminate against you, that he  
2 said he had enough of your complaints?

3 A. Enough of my complaints and -- and he went --  
4 he started -- he was really, really loud.

5 And one of -- some of my co-workers wanted  
6 to step in, but they didn't step in, and to stop it,  
7 he -- he got so aggressive the way he was coming -- he  
8 was facing me.

9 And I think it was Thomas Simmons and  
10 Kelton, but they just -- they said it was wrong for the  
11 HR manager to confront somebody about their personal  
12 problems in front of everybody.

13 Q. Is there anything else in this Paragraph 46  
14 that you believe we haven't discussed to support your  
15 claim of national origin discrimination?

16 A. I think we talked about most of that right  
17 here.

18 Q. So have we discussed all the ways you believe  
19 you've been discriminated against because of your  
20 national origin today?

21 A. Let me see which one -- oh, the way -- when --  
22 before Matt walked me out, he didn't -- he didn't --  
23 after the meeting I had with Matt, he embarrassed me in  
24 front -- everybody.

25 He came to the floor and took the computer

1 out of -- my laptop in a very hostile voice in front of  
2 Isabel even. Isabel was the engineer I was working  
3 with. She -- she got nervous, because she told me she  
4 saw the hostility in Matt, the way he was telling me to  
5 take my stuff out the -- plus, the whole production  
6 floor was watching.

7 Q. When was this?

8 A. The second time I got walked out in -- in  
9 November.

10 Q. And this conversation you recorded; right?

11 A. I don't know if I did. I don't recall.

12 Q. Isn't it true that you offered -- it was you  
13 who said, hey, I have to give you my laptop because I'm  
14 leaving?

15 A. He asked me what I have. And I said I have the  
16 laptop. I have my personal backpack, and I have your  
17 laptop. I have the company's laptop.

18 And what do you have from the company? I  
19 told him what I had, what was mine and what was theirs.

20 Q. And he said, okay, I'm going to need to take  
21 that before you leave?

22 A. Yes. Yes. So we walked all the way where I  
23 was at with Isabel.

24 Q. Why do you think Matt wanted to discriminate  
25 against you because of your national origin?



1 A. Because of my complaints that I have.

2 Q. Well, that's retaliation, right?

3 A. Yeah.

4 Q. So why do you believe he wanted to discriminate  
5 against you because of your national origin?

6 A. I guess -- why?

7 Q. Yes.

8 A. Because I never seen him treat another employee  
9 like this, like he was treating me.

10 Q. What evidence do you have that he wanted to  
11 discriminate against you because of your national  
12 origin?

13 A. What evidence do I have?

14 Q. Uh-huh. Yes.

15 A. Everybody saw it. Everybody saw it. All the  
16 people that saw me say they used as their scare tactic,  
17 the way -- they know what happens. Everybody know --  
18 everybody know they had complaints. So they told me  
19 they used me as a scare tactic to intimidate them and to  
20 show them what happens to employees who -- who come and  
21 complain.

22 Q. So now have we discussed all the ways you  
23 believe you've been discriminated against because of  
24 your national origin?

25 A. I think we have, yes.

1 Q. And have we discussed all of your evidence in  
2 support of this claim?

3 A. Yes.

4 Q. The next claim on Page 9 is Count 2,  
5 "Disability discrimination in violation of the Americans  
6 with Disabilities Act and the TCHRA."

7 A. The same page we were at, right?

8 Q. Page 9, correct.

9 Do you see that for -- it's Part B.

10 A. Part B. Okay.

11 Q. Which disability do you contend you were  
12 discriminated because of?

13 A. When they walked me out and they still have  
14 work for me.

15 Q. But what is the disability?

16 A. My injury to my finger.

17 Q. Your finger.

18 A. Uh-huh.

19 Q. And who is it that you believe discriminated  
20 against you because of your disability?

21 A. Whoever walked me out, Matt and whoever took me  
22 to the HR office those two times.

23 Q. Is it just the walkout? Is that how you  
24 believe you were --

25 Let me finish my sentence.



1 A. Yes. Go ahead.

2 Q. Is it when you were walked out of the facility,  
3 is that how you believe you were discriminated against  
4 because of your disability?

5 A. No. Whenever they had me cleaning and whenever  
6 they -- they didn't let me mentor.

7 Q. Have we discussed all the ways in which you  
8 believe you've have been discriminated against because  
9 of your disability?

10 A. Yes. We talked about it.

11 Q. So there's a -- there's a list on -- in  
12 Paragraph 50 of that page, it starts on Page 9 and goes  
13 to Page 10.

14 Can you take a look through that list and  
15 let me know if there's anything else we need to discuss  
16 in support of your claim of disability discrimination?

17 A. Yes.

18 Q. Is there anything else you think we need to  
19 discuss?

20 A. No.

21 Q. So have we discussed all the ways in which you  
22 believe you've been discriminated against because of  
23 your disability today?

24 A. Yes.

25 Q. Have we discussed all of the evidence you have

1 in support of this claim?

2 A. Yes.

3 Q. Do you have any personal knowledge of others at  
4 Epiroc who may have a disability?

5 A. No, I don't.

6 Q. The next claim is Page 10, "Americans with  
7 Disabilities Act failure to accommodate."

8 Do you see that?

9 A. Same page; right?

10 Q. Correct. Yes. Same page.

11 Are you claiming Epiroc failed to  
12 accommodate you for your disabilities?

13 A. Yes.

14 Q. How did they do that?

15 A. They had me cleaning the beams, walking me out  
16 and assigned -- put me full duty and but trying put me  
17 to full duty and from -- I think we talked about this.

18 Q. So we've talked about all the ways you believe  
19 Epiroc failed to accommodate you?

20 A. Yes.

21 Q. Have we discussed all the evidence you have in  
22 support of this contention?

23 A. Yes.

24 Q. Other than the people we've already discussed,  
25 are you aware of anyone else at Epiroc with an



1 accommodation?

2 A. No.

3 Q. Your last claim on Page 11 --

4 A. At the same time I was?

5 Q. At all.

6 A. The ones were on light duty, just the ones that  
7 I found out were on light duty was Eric Griffin.

8 Q. We talked about Eric; right?

9 A. Yeah. We talked -- we talked about, yes.

10 Q. Is there anyone else that you are aware of with  
11 an accommodation?

12 A. No, I wasn't aware.

13 Q. Okay. Your last claim is retaliation, and that  
14 begins on Page 11 of your complaint.

15 A. Page 11?

16 Q. Right. Do you see where it says Count 4,  
17 "Retaliation under Title VII, the ADA, the TCHRA and  
18 42 USC Section 1981."

19 A. Uh-huh.

20 Q. Who do you believe retaliated against you?

21 A. At this time? Everybody at Epiroc.

22 Q. Have we discussed all the ways you believe  
23 Epiroc retaliated against you?

24 A. Yes.

25 Q. Paragraph 61 has a list of bullet points,

1 specific examples of your allegations.

2 Can you please go through all of this list,  
3 and let me know if there's anything else that we need to  
4 talk about.

5 A. Yeah. We talked about it.

6 Q. Okay. So we've discussed all the ways you  
7 believe Epiroc retaliated against you?

8 A. Uh-huh.

9 Q. Yes?

10 A. Yes.

11 Q. Have we discussed all your evidence in support  
12 of the claim?

13 A. Yes.

14 Q. Okay. Have we discussed all the facts related  
15 to your lawsuit?

16 A. I don't understand the question.

17 Q. Have we discussed all the relevant facts --

18 A. Oh, yes. Yes.

19 Q. -- related to your lawsuit?

20 A. Yes.

21 Q. Okay. And what damages are you seeking in this  
22 lawsuit?

23 A. Punitive and emotions and all the promotions  
24 that I -- that I miss.

25 Q. Is there a number?



1 A. I'm going to leave that up to the jury.

2 Q. And you're claiming Epiroc caused you mental  
3 anguish and emotional distress; right?

4 A. Yes.

5 Q. And what specifically did it do to cause you  
6 mental anguish?

7 A. The abusive behavior they were giving me, the  
8 way they were treating me.

9 Q. And we talked about that as of three days ago,  
10 you're not taking any of your medication; correct?

11 A. Yes. Yes. I'm going to therapy, yes.

12 Q. Okay. Just wait for me to finish my question.

13 A. Okay. Sorry.

14 Q. Okay. Do you have any plans right now to go  
15 back on any of your medications?

16 A. Doing therapy. I'm going to try to do therapy  
17 as the most. I told the nurse, the therapist, that  
18 I'm -- I'm -- I'm going to see how it works.

19 Q. Okay. Since your employment with Epiroc began,  
20 have you had any personal tragedies or other issues  
21 occur in your life?

22 A. No.

23 Q. Who do you anticipate will testify on your  
24 behalf at trial?

25 A. All -- all my witnesses want to go to court.

1 Q. All your witnesses want to go to court.

2 A. They want the -- they want the stories to be  
3 heard.

4 Q. And who are -- who's that?

5 A. Lonnie Robison, Curtis Williams, Noe Bedoy,  
6 Thomas -- it's a lot. Thomas Simmons and LeDaria and --

7 Q. Are any of these individuals current employees?

8 A. Some of them just got fired for reaching out to  
9 corporate about discrimination and retaliation against  
10 management.

11 Q. How do you know that that's how they got fired?

12 A. They -- they told me.

13 Q. How do they know that's how they were fired?

14 A. They told them.

15 Q. They said, "I'm firing you because you made a  
16 complaint?"

17 A. That's the only thing --

18 Q. Let me just finish my question.

19 They said that they fired -- I'm firing you  
20 because you made a complaint?

21 MS. COLE: Can you, when you say "they,"  
22 can you mean -- say Epiroc?

23 Q. (BY MS. ASHTON) Epiroc fired you -- fired me  
24 because --

25 MS. COLE: Sorry. I'm so sorry.



1 MS. ASHTON: That's okay.

2 Q. (BY MS. ASHTON) They told you that Epiroc told  
3 them they were being fired for making a complaint?

4 A. Yes. After they reached the corporate, they  
5 got fired, they say.

6 Q. Okay. So after they complained to corporate,  
7 they were fired?

8 A. They were fired.

9 Q. And that's why they believe they were fired for  
10 making a complaint?

11 A. Yes.

12 (Exhibit No. 27 marked.)

13 Q. (BY MS. ASHTON) This is Exhibit 27. It should  
14 be our last exhibit.

15 These are the initial disclosures that you  
16 submitted in this lawsuit. So a lot of these  
17 individuals who you list we've already spoken about.

18 My question is: Is there any other  
19 information -- and I'm talking about -- sorry. Page 6.

20 A. Page 6?

21 Q. Yeah.

22 A. Okay.

23 Q. Is there anyone on the list who has information  
24 relevant to this case who we have not talked about yet?

25 A. What do you mean "this case"? My case?

1 Q. Yes. That's why we're here. Yes.

2 A. Okay. They're all -- who -- who doesn't have  
3 information, you say, right?

4 Q. Who does have information.

5 A. They all do.

6 Q. They all do.

7 So -- and do you expect all of these  
8 individuals to testify on your behalf at trial?

9 A. The ones that have been through what I've been  
10 through, I'd say yes. They told me yes.

11 Q. So my -- so I think my question is a little  
12 different.

13 So even starting at the beginning of your  
14 disclosures, I want to understand the individuals who  
15 you believe have support of your specific claims and who  
16 you believe will testify on your behalf at trial.

17 A. Who I believe?

18 Q. Yes.

19 Who do you think will testify at your  
20 behalf at trial?

21 A. Been through what I've been -- Okay. Yes.

22 Jonathan Simms.

23 Q. Hold on one second.

24 A. Okay.

25 Q. What page are you on?



1 A. Oh, I forgot. I didn't -- I didn't see the  
2 other people. Aileen.

3 Q. Okay. What do you think Aileen is going to  
4 testify to?

5 A. Oh, she's -- she witnessed, and she also went  
6 through what I -- some of the stuff that I went --  
7 discrimination with Jackie.

8 Q. What did she witness?

9 A. She was also a victim.

10 Q. What did she witness that you say you went  
11 through?

12 A. Oh, whenever Jackie used to -- when he used to  
13 come get us -- because I was mentoring him at the time.  
14 Whatever we talked about earlier, when I was mentoring,  
15 and we got approached, when they told us to stop going  
16 around looking for hardware, and the time we were  
17 filmed.

18 Q. Okay. Have we talked about all the facts  
19 relating to Aileen's knowledge?

20 A. What do you mean "other facts," like --

21 Q. Have we talked about all the things that Aileen  
22 is aware of today?

23 A. She's been through a lot, but she also has her  
24 side of the story, like whatever she's --

25 Q. I'm asking about your specific complaints.

1 Have we talked about all the facts --

2 A. Yes. Yes. Yes. We talked about all the  
3 facts.

4 Q. What about Fatima Rahimi?

5 A. Fatima, the time that she complained for sexual  
6 harassment and was touched by somebody, they put her to  
7 clean with me. And she was really upset, crying because  
8 she complained about sexual harassment, and they  
9 retaliate against her to put her to clean with me.

10 And she got really upset. And the last  
11 thing I know, she lost -- she had a miscarriage, and  
12 nobody heard from her. She was --

13 Q. Does Fatima have any personal knowledge  
14 regarding your specific claims?

15 A. She just witnessed that I was -- she was  
16 cleaning with me for -- for speaking up.

17 Q. Okay. Audrey Lee, we talked about Audrey;  
18 correct?

19 A. Yes.

20 Q. She was the one who went in the ambulance?

21 A. Yes.

22 Q. Anything else about Audrey I need to know?

23 A. She's been through a couple of incidents at  
24 work.

25 Q. I'm talking about with respect to your claim.



1 A. With me? Oh, no. No. Just the part in the  
2 ambulance.

3 Q. What about Isabel Buenrostro?

4 A. Isabel Buenrostro is the ME that her -- the way  
5 Matt approached me, was right there present that she  
6 felt the hostile from Matt.

7 Q. She was the mechanical engineer?

8 A. Yes. She got nervous. She got scared.

9 Q. You're talking about when he --

10 A. Told me to give him the laptop.

11 Q. -- retrieved your laptop?

12 A. Yes. Yes.

13 Q. What about -- Eric Gracy was the one on --

14 A. The welder.

15 THE REPORTER: Excuse me. You're doing it  
16 again.

17 Q. (BY MS. ASHTON) Eric Gracy was the person we  
18 spoke about, the welder on accommodations?

19 A. Yes.

20 Q. Curtis Williams, I believe that name sounds  
21 familiar.

22 A. Yes. He's the one that told me all the names  
23 from supervisors that were racist. And he has also been  
24 through a lot of stuff, that he said it's never going to  
25 change. The only thing they do is they keep on

1 sabotaging you.

2 Q. Gustavo Sanchez, what does Gustavo know  
3 relating to your claims?

4 A. Gustavo Sanchez, I was training -- he wanted me  
5 to train him, but they didn't let me train him.

6 Q. You wanted to train Sanchez. And who wouldn't  
7 let you train him?

8 A. He told him that Peter told him that it was  
9 against the policy to put two Hispanics together to  
10 work, so --

11 Q. Peter -- okay. Hold on. Let me make sure I'm  
12 understanding this.

13 A. Okay.

14 Q. Gustavo told you that Peter told Gustavo that  
15 it's against Epiroc policy for two Hispanics to be --

16 A. To work together.

17 Q. -- to work together?

18 A. Yes.

19 Q. When was that?

20 A. I think it was in 2023.

21 Q. Have you ever trained a Hispanic worker?

22 A. Yes. I have trained Hispanic workers.

23 Q. What about Aubrey Brown? What does Aubrey  
24 know?

25 A. He quit -- he -- he quit because he -- you



1 know how you --

2 Q. Who's "he"?

3 A. Gustavo.

4 You know how you were telling me about the  
5 policy?

6 Q. What policy?

7 A. Epiroc's policy. You know, you were bringing  
8 up -- you're aware of the Epiroc policy?

9 Q. Uh-huh.

10 A. One day on the Epiroc training, we always --  
11 not every year but once a year we get Epiroc training.

12 And Matt was covering the policy, and he  
13 told Matt that he would -- he was retaliated for  
14 complaining. And then Matt -- in front of everybody  
15 Matt made a joke about it.

16 Q. Made a joke about what?

17 A. About his complaint, about his complaint that  
18 he brought up right there, that he -- when he  
19 complained, he got retaliated, and Matt made a joke off  
20 of it and everybody --

21 Q. What did Matt say?

22 A. He -- he told Matt that when he complained, he  
23 didn't get overtime and that he didn't get over -- and  
24 then Matt say, oh, he said that William had work at his  
25 house, doing -- he needed help with girls, if he wanted

1 to go, he can go, something like that. And everybody  
2 started laughing.

3 Q. Okay.

4 A. And I think he took it to HR. And somehow  
5 he -- he -- he said some -- something happened.  
6 Supposedly he approached Peter in a different way, and  
7 then Peter complained about him.

8 And I was a witness there. But he never  
9 got close to Peter but --

10 Q. Does this have anything to do with your  
11 specific complaints?

12 A. No, not specific, no. Okay.

13 Q. What about Aubrey Brown?

14 A. Aubrey.

15 Q. What does she know about your specific  
16 complaint?

17 A. Okay. Okay. We -- I'm confusing Aubrey Lee  
18 with -- you -- the Aubrey Brown was -- she's the one  
19 with the ER, with the ambulance.

20 And Aubrey Lee was the one that got fired  
21 for -- he said no reason. He got walked out.

22 Q. Okay. In your charge you put Audrey Lee was  
23 the one in the ER, in the ambulance whose badge wasn't  
24 deactivated. But it was Aubrey Brown?

25 A. No. No. No. Audrey Lee is the woman. Yes.



1 Because I get confused with -- Audrey Lee is the woman.  
2 Aubrey Brown is the guy. Yeah.

3 Q. So Audrey Lee --

4 A. Yeah. We've already talked about that. You're  
5 right. You got everything right. Except for Aubrey  
6 Brown is -- it's the guy that got walked out.

7 Q. He got walked out by who?

8 A. By -- he said Matt.

9 Q. Does he have any knowledge about your claims?

10 A. He knows about what -- everybody knows about my  
11 stuff at work.

12 Q. I meant, has he witnessed, has he -- what would  
13 he testify to about your claims, if anything?

14 A. About my claims, that -- about my claims?

15 Q. Yes.

16 A. About my claims, that he's been a victim as  
17 well.

18 Q. Okay.

19 A. And we just out there -- we just -- minorities  
20 are only being targeted at work.

21 Q. What about Robert Flores, what would he testify  
22 to regarding your claims?

23 A. Robert Flores, he just said that he was -- he  
24 knew I had knowledge for the lead position.

25 Q. He knew that you had what? Knowledge?

1 A. Knowledge for the lead position and, yes.

2 Q. That you could be a lead -- a leadman?

3 A. Yes.

4 Q. Okay. What about Jonathan Simms?

5 A. Jonathan Simms, he witnessed whenever Alfonso  
6 approached me in the roadway.

7 And he was also a victim of mistreatment  
8 when they put him to do a teardown. And he feared for  
9 his life and so he quit.

10 Q. What is Jonathan's -- what is Jonathan's  
11 national origin?

12 A. I think he -- I don't know. He told me he came  
13 from Hawaii. He's from Hawaii.

14 Q. So he's a Caucasian male?

15 A. He's -- he's really tall. He's like -- like  
16 Samoan, I think. One of the people --

17 THE REPORTER: He's what?

18 THE WITNESS: Samoan.

19 MS. ASHTON: Samoan.

20 THE WITNESS: He's from Hawaii, yes.

21 Q. (BY MS. ASHTON) Are any of the individuals you  
22 list on here Caucasian?

23 A. For my witnesses? Only Billy Poe.

24 Q. Is Billy on here?

25 A. No. I just run into him last -- last week.



1 Q. Okay. What about Carl Mitchell? What do you  
2 think Carl is going to testify to?

3 A. Carl Mitchell, he's also been mistreated and  
4 set up to be fired.

5 Q. Does he have knowledge of your specific claims?

6 A. He's heard a lot of -- whatever has happened to  
7 me. Everybody knows at my job.

8 Q. What about Ricardo Delgado --

9 A. Ricardo --

10 Q. -- does he have knowledge of your specific  
11 claims, personal knowledge?

12 A. I don't remember him. I think yes, because  
13 Jackie used to harass him outside, and he know he used  
14 to harass me inside, too.

15 Q. Okay. Does he have knowledge of your specific  
16 claims?

17 A. Yes. When Jackie -- he worked with us when  
18 Jackie used to harass me in -- in the production, the  
19 flowline.

20 Q. Is he one we've already talked about?

21 A. Yes. Yes. Yes.

22 Q. Lonnie Robison, is he the one we already spoke  
23 about?

24 A. Yes.

25 Q. Monica Trevino, does she have knowledge of your

1 specific claims?

2 A. Just being a victim only. And she's aware of  
3 what happened to me, and that's it.

4 Q. Joey Khammanee, is that the Joey we spoke  
5 about?

6 A. Yes. When he got cornered by Jackie and Peter.

7 Q. Glenda Randall, we spoke about Glenda; right?

8 A. Yes. Yes.

9 Q. Patrick Bouton?

10 A. He's also a victim from Jackie.

11 Q. Thomas Simmons?

12 A. He got set up to be fired. He -- he's a  
13 witness that whenever I went to the ambulance, he's the  
14 first --

15 Jackie told him, they were referring to me,  
16 "don't let this person in."

17 The day I went to the ambulance, he's a  
18 witness where Jackie told him that they're referring to  
19 Edgar Reyna, not to --

20 Q. But your name was never mentioned; correct?

21 A. To him, yes.

22 Q. To him?

23 A. Yes. Jackie mentioned it to him.

24 Q. And he told you that Jackie mentioned it to  
25 him?



1 A. Yes. Yes.

2 Q. Adrian Campbell?

3 A. Adrian Campbell is -- she's just a witness  
4 that's been through racism at work.

5 Q. Cesar Rios. I think we spoke about Cesar;  
6 right?

7 A. Yes.

8 Q. Jamie Tamez.

9 A. Tamez. Yes.

10 Q. We spoke about Jamie?

11 A. Yes.

12 Q. And Nam Lee we spoke about?

13 A. Not because he -- he harassed Gustavo. That  
14 was it.

15 Q. Nam Lee harassed Gustavo?

16 A. Yes.

17 Q. Why is he on your witness list?

18 A. Witness list --

19 Q. Why is he somebody with knowledge of relevant  
20 facts of your claims?

21 A. Claim. Because -- because he was involved in  
22 the rig -- whenever we brought up Nam Lee. Remember?  
23 The rig with Cesar? They gave him -- they took --

24 Q. Have we already talked about?

25 A. They took -- they took my trainer and gave it

1 to him.

2 Q. Okay. Nereida Villareal, what did she know?

3 A. Nereida, she knows. Everybody knows at work  
4 about my case.

5 Q. But what personal knowledge does she have of  
6 your claims?

7 A. That they were treating me -- they were putting  
8 me to clean. She saw when they were putting me to  
9 clean.

10 Q. Okay. Niko Feagainaalii?

11 A. Niko was supposed to be the guy that was going  
12 to replace me.

13 Q. Okay. But you don't know that yourself?

14 A. Yes.

15 Q. Is that correct?

16 A. Yes, I don't know that myself.

17 Q. Desmond Johnson?

18 A. Desmond Johnson, he's a victim, too.

19 Q. Jamie or Jamie Soliz?

20 A. That's one of the guys that was going to  
21 replace me, too.

22 Q. Is this the California guy?

23 A. They're both from California. Niko and him are  
24 from California.

25 Q. Okay. So you were told Jamie was going to



1 replace you, too?

2 A. Yes.

3 Q. Kelton White, we spoke about Kelton; right?

4 A. Yes.

5 Q. Okay. Phoung Nguyen. P-H-O-U-N-G,  
6 N-G-U-Y-E-N.

7 A. Phong. Yes. He also witnessed the way they  
8 used to treat me on the flowline.

9 Q. Razi Mashhadi?

10 A. Razi Mashhadi was the lady that accused me of  
11 stealing.

12 Q. Noe Bedoy, we talked about; right?

13 A. Yes. He also experienced Jackie's behavior.  
14 And he -- he tried to transfer, but they lost all --  
15 they lost all his paperwork, like -- like he never  
16 turned the paperwork to HR. So what he did he email --  
17 he emailed he's transferring. And that's when he was  
18 able to transfer to first shift.

19 Q. So he did get to transfer?

20 A. Yes.

21 Q. Alfred Mireles, what does Alfred know?

22 A. Alfred Mireles. Alfred Mireles. He's an  
23 electrician. He -- he -- I guess I heard -- I don't  
24 know if he was there whenever Jonathan Simms and -- I  
25 don't recall. Alfred Mireles. Yes.

1 Q. Jack Maxwell?

2 A. Jack Maxwell. Jack Maxwell. I don't recall  
3 Jack Maxwell.

4 Q. Luis Martinez we spoke about; right?

5 A. Yes.

6 Q. Fernando Soto?

7 A. Fernando Soto, yes.

8 Q. We spoke about Fernando.

9 Jose Gonzalez?

10 A. Yes, we spoke about Jose.

11 Q. Skip, we talked about; right?

12 A. Not really because that was the one whenever I  
13 was going to get fired because he -- and I remember.

14 He was the one that put me on the overtime  
15 list, and -- and somehow I didn't let Jackie know, and  
16 Jackie got upset, said he's the one in charge. I have  
17 to let him know.

18 But he's -- he -- I told Skip if he had let  
19 Jackie know. But he said, yes, they talked about it in  
20 the meeting and -- but Jackie didn't listen. But he  
21 just -- Jackie wanted to fire me for not telling him I  
22 went in early with -- because Skip told me to go in  
23 early.

24 Q. Okay. Hold on. I heard two things, overtime  
25 and going in early.



1 A. Yes.

2 Q. So Skip put you on the overtime list?

3 A. Yes.

4 Q. Did you get your overtime?

5 A. Yes, I did get my time.

6 Q. Okay. And then you went in early, and Jackie  
7 got mad at you for going in early?

8 A. I went in early because he put me with the  
9 tester. A tester cannot be by himself. He has to have  
10 a helper. So I was the tester's helper.

11 Q. Okay.

12 A. So the tester went at 11:00. I had to go in at  
13 11:00 with him.

14 So when Jackie got there later on, I told  
15 something, and he saw me there, and he noticed I  
16 didn't -- I wasn't -- not on the group.

17 He approached me and he told me that I  
18 should have let him know that I was coming in early.  
19 But I told him, Skip let him know in the meeting. Skip  
20 said they had a meeting, surprise meeting, so he was  
21 aware.

22 Q. Okay. But you didn't get any -- you didn't get  
23 in trouble for that?

24 A. He just threatened to fire me.

25 Q. Jackie threatened to fire you?

1 A. Yes.

2 Q. But you did not get fired?

3 A. I did not get fired.

4 Q. You didn't get written up?

5 A. I didn't get written up.

6 Q. Mauri, last name unknown.

7 A. Mauri. Mauri.

8 Q. M-A-U-R-I.

9 A. I don't remember.

10 Q. You don't remember?

11 A. Huh-uh.

12 Q. Harold Lacy?

13 A. I know Harold Lacy was the manager.

14 Q. What does Harold know about your -- your case?

15 A. I don't know. I don't know what he knows about  
16 my case.

17 Q. Are there any other witnesses who have relevant  
18 information that we have not talked about?

19 A. Just -- he's not here, Billy Poe is not here.

20 Q. Oh, yeah. Billy.

21 A. I just run into Billy Poe.

22 THE REPORTER: Excuse me. I didn't  
23 understand.

24 THE WITNESS: Billy Poe.

25 MS. COLE: I just ran into Billy Poe.



1 THE WITNESS: Yes. I just ran into Billy  
2 Poe.

3 Q. (BY MS. ASHTON) Billy Poe. And what do you  
4 believe Billy is going to testify about?

5 A. He -- he witnessed Jackie's behavior in 2018  
6 and told him to stop.

7 Q. Anything else?

8 A. And his testimony, what he's -- when management  
9 share racist stuff about minorities, whatever they --  
10 how they plan to treat minorities.

11 Q. Okay. Anything else?

12 A. That's it.

13 Q. Have we talked about all your claims against  
14 Epiroc today?

15 A. Yes, we have.

16 Q. Okay. Anything else that you would like to add  
17 that you believe you forgot to mention?

18 A. No, ma'am.

19 MS. ASHTON: I pass the witness.

20 MS. COLE: Let's take I get a quick  
21 five-minute break.

22 THE VIDEOGRAPHER: Off the record at  
23 4:49 PM.

24 (Recess taken from 4:49 until 4:54.)

25 THE VIDEOGRAPHER: We are back on the

1 record at 4:54 PM, media 6.

2 EXAMINATION

3 BY MS. COLE:

4 Q. Mr. Reyna, on the day that Jackie confronted  
5 you about the tickets, had -- had there been anything  
6 leading up to that that caused to you believe that that  
7 confrontation related to race?

8 A. Yes. Because the day before I was with Kevin  
9 and Scott, and he asked them if they were going to the  
10 picnic, and they said no, because I was going to bring  
11 my uncles and aunts and cousins and everybody.

12 Q. And when you says "he" asked, who?

13 A. Kevin and Scott if they were coming. Jackie  
14 asked Kevin and Scott if they were going.

15 Q. And then after Kevin and Scott responded about  
16 your TOs and your uncles and aunts --

17 A. Jackie laughed.

18 Q. And then when he confronted you that day about  
19 the tickets to the picnic, what did he say specifically?

20 A. He said I was being selfish. I had enough  
21 tickets already. I didn't need more than what I had.

22 Q. And why did you think you were entitled to more  
23 tickets?

24 A. Because they -- they said it in the meeting.  
25 See, he -- he read the notice aloud, that HR had more



1 tickets, and everybody was more than welcome to go after  
2 the stretches.

3 Q. And did people decide to go?

4 A. Yeah. It was packed. HR was packed.  
5 Everybody getting -- they -- I only got like two or  
6 three, and everybody was getting like six, more than  
7 that.

8 Q. When Jackie confronted you about the tickets,  
9 did anybody try to step in?

10 A. Only Thang Nguyen when he told him he shouldn't  
11 be yelling at me like that.

12 Q. So that was that day?

13 A. That was that day, yes.

14 Q. Did you ever have any interactions with Jackie  
15 relating to your Spanish music?

16 A. He would go around acting weird. He would come  
17 more often when I was playing custom music and he'd yell  
18 "yeehaw." And come more often.

19 Q. And when you say "come," where would he come  
20 to?

21 A. To my work area.

22 Q. And how did that make you feel?

23 A. Uncomfortable. And I would -- had -- I just  
24 turned off the music.

25 Q. Did you stop listening to Spanish music?

1           A. Yes. I stopped listening to music. I wouldn't  
2 listen to music no more.

3           Q. You told us at the very end of your testimony  
4 about one occasion when Jackie threatened to fire you.

5                       Were there other occasions where Jackie  
6 threatened to fire you?

7           A. In -- in that office about the tickets, he said  
8 he -- I could -- he could fire me for that.

9                       And in the test pad, he told me he could  
10 fire me for that and for that -- whenever I went to the  
11 meeting with the conference with the CEO and he told me  
12 he could fire me for that, too, for not letting him  
13 know.

14           Q. And so even though you didn't receive anything  
15 in writing, did that feel like discipline to you?

16           A. Yes, I felt threatened.

17                       MS. ASHTON: Objection; leading.

18                       Sorry. Go ahead.

19           A. I felt threatened.

20           Q. (BY MS. COLE) When Jackie would confront you,  
21 describe for us what his body and face looked like.

22           A. He looked mean. His eyes turned red and his  
23 face was like aggressive, and tone, his voice would  
24 raise.

25           Q. Would he -- would he -- would he invade your



1 physical space?

2 A. Yes. Because the way he would come at me,  
3 "Edgar," like that. I remember. I can still picture  
4 his voice.

5 Q. Did you ever see Jackie yell at -- I'm sorry --  
6 raise his voice and be aggressive with other employees  
7 the way he was with you?

8 A. No. I never seen it.

9 Q. Did you ever hear Jackie tell other employees,  
10 "I could fire you for that"?

11 A. No.

12 Q. Did you ever see Jackie say "yeehaw" and enter  
13 a work area --

14 A. No, only my --

15 Q. -- when other people played music?

16 A. No. Only my work area.

17 MS. COLE: I pass the witness.

18 FURTHER EXAMINATION

19 BY MS. ASHTON:

20 Q. Just a couple of follow-up questions.

21 About the Spanish music, when did you play  
22 Spanish music?

23 A. Like in 2018, whenever I was -- around that  
24 time.

25 Q. So after 2018 you never did again?

1 A. I don't think. I stopped -- I didn't -- I  
2 stopped.

3 Q. And you stopped because why?

4 A. Because of the way he reacts. He acts  
5 different when you play Spanish music.

6 Q. So you would play Spanish music; Jackie would  
7 come in, and then what would happen?

8 A. He would come more often and scream "yeehaw."  
9 And keep -- he just kept micromanaging more than before.

10 Q. Other than saying "yeehaw," did he make any  
11 comments about the actual music being played?

12 A. No, he didn't.

13 Q. Okay. Did anyone else play Spanish music?

14 A. Noe Bedoy did. But he noticed the way he was  
15 acting, so it he turned it off.

16 Q. When did Noe Bedoy --

17 A. I think in --

18 Q. -- play Spanish music?

19 A. I don't remember the year that Noe played. But  
20 he -- Noe told me he -- he would see him act different  
21 when -- every time he played Spanish music.

22 Q. Did anyone else play any other type of music?

23 A. Yeah. Everybody plays music.

24 Q. Was there any type of music that Jackie  
25 enjoyed?



1 A. I don't know.

2 Q. When he said "yeehaw," what did you think that  
3 meant?

4 A. I asked a co-worker one time. He said it just  
5 means that -- something about taking over -- I don't  
6 know. I don't know. I don't know.

7 Q. You don't know what it means?

8 A. I don't know. I just asked him -- I just  
9 remember he said that it's something that they want to  
10 come in and take over.

11 Q. That was a co-worker's impression of what  
12 yeehaw meant?

13 A. Larry. Larry. Larry. He's American, too.  
14 He's the one that told me what it meant to him.

15 Q. To Larry?

16 A. Yes, to Larry.

17 Q. All right. But you never asked Jackie, Hey,  
18 what does yeehaw mean?

19 A. I never -- I never -- I was -- I was afraid to  
20 ask Jackie stuff. I never asked him that.

21 Q. When Jackie said or threatened to fire you, I  
22 just want to go back to that.

23 How many times did he do that?

24 A. In the office with the tickets.

25 Q. So that was in 2018?

1 A. Yes.

2 Q. Okay. When was the next time?

3 A. In the test pad, whenever it was Skip. And  
4 then in the -- whenever I had the conference room with  
5 the CEO, he told me -- one day he told me I shouldn't be  
6 invited.

7 Q. Okay. So the second time was the test pad.  
8 When was that?

9 A. I don't know. I can't recall the year.

10 Q. What was the event that happened to cause  
11 Jackie to say, "I could have fired you"?

12 A. What do you mean?

13 Q. What happened?

14 A. He -- whatever I did to him was wrong, he said.  
15 Not letting him know that I was coming earl upset him.  
16 And that's why he said he could fire me for that.

17 Q. So the words were, "I could have fired you for  
18 that"?

19 A. I can fire you for that.

20 Q. I can fire you for that?

21 A. I can fire -- yes.

22 Q. But you were not fired?

23 A. I was not fired. I was just threatened.

24 Q. Okay. And what is this conference CEO  
25 situation?



1           A. It was a conference room that Reagan sent an  
2 invitation to Jackie, and Jackie gave it to Mark, and  
3 Mark gave it to me. And we went to the conference room,  
4 and we -- the CEO was live talking. And Matt was  
5 present. Tanya was present.

6                       And they were talking about all the new  
7 updates in the company. But on my way back, that's when  
8 Jackie approached me and said, where I had been all  
9 those hours, and I should not be invited to that, to  
10 that meeting.

11                      And I told him, "You are the one that gave  
12 the invitation to Mark, and Mark gave it to me. You are  
13 aware."

14                      But he say, "I know. But you should not be  
15 in that meeting."

16                      Plus he said that Matt -- Matt told him  
17 that I was outside in the parking lot, too, but we were  
18 taking a lunch break after the meeting.

19           Q. But Jackie gave you an invitation to the  
20 meeting?

21           A. Yes. He gave -- he gave it to Mark, and Mark  
22 gave it to me.

23           Q. Did Jackie want him to give to you?

24           A. What do you mean?

25           Q. Did Jackie want Mark to give you the

1 invitation?

2 A. Yes. He gave it to the leadmen. The leadmen.

3 Q. So Jackie invited you to the meeting?

4 A. Reagan Francis had put my name on the meeting.

5 Q. But Jackie made sure you got it?

6 A. He gave it to Mark, yes.

7 That's why I was confused.

8 And I told him, "You gave it to Mark, and

9 Mark gave it to me."

10 Q. Right.

11 A. Yes.

12 Q. And what makes you think that he didn't want  
13 you at the meeting because of your national origin?

14 A. Because he -- he told me I shouldn't be  
15 invited.

16 Q. Is that the only reason why?

17 A. That's the only reason, yes.

18 Q. The CEO, what's his name?

19 A. It was a lady. I forgot the lady's name. It  
20 was a lady's name. It was like --

21 Q. Is it -- is there a new CEO or an --

22 A. It's always been -- it's a lady. At that time  
23 it was a lady, I think, I remember.

24 Q. Who was speaking?

25 A. Yes.



1 Q. Okay. Any other times Jackie said, "I could  
2 have fired you"?

3 A. Just those three times.

4 Q. All right. And then the last thing is Jackie  
5 invaded your physical space. Is that what I heard?

6 A. Yes.

7 Q. When did Jackie invade your physical space?

8 A. All the time.

9 Q. And how would he do that?

10 A. Whenever he would come and tell me stuff.

11 Q. What do you mean by "invading physical space"?

12 A. Like he -- there's times -- like when I didn't  
13 get the tester position, he would come to my work area  
14 and say -- make fun of me.

15 "Oh, you didn't get the tester position but  
16 your buddies did. The ones you were training got the  
17 tester position but you didn't. When are you going to  
18 move up?"

19 Q. Well, when I -- to me invading physical space  
20 means like he got close to you physically. Is that what  
21 you believe that means or --

22 A. Yes. Whenever -- whenever he told me about the  
23 conference room. Yes. Yes. Whenever he told me like  
24 really aggressive that I should not be in that meeting.  
25 That's why I was so confused.

1 I told him, "You -- you were aware of it.  
2 So why are you acting like this with me?"

3 And he just kept going.

4 Q. Okay. But -- so he talked closely to you?

5 A. Not that close, but a loud voice. You know, I  
6 can tell he was like not the Jackie, you know.

7 MS. ASHTON: I'll pass the witness.

8 MS. COLE: No further questions.

9 THE VIDEOGRAPHER: We're off the record at  
10 5:04 PM.

11 MS. COLE: He's going to read and sign.

12 MS. ASHTON: Yes, read and sign.

13 MS. COLE: Send it to Lisa Ventress's  
14 office.

15 (The deposition concluded at 5:04 PM.)  
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